

IN SENATE.

SATURDAY, February 15, 1879.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of yesterday was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 1704) for the relief of Daniel M. Frost and the heirs and executors of William M. McPherson, of the State of Missouri, was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. BOOTH presented the petition of Levi Straus & Co. and others, citizens of San Francisco, California, and the petition of Livingston & Co. and others, of San Francisco, California, praying for the passage of the bill (S. No. 1561) for the interchange of subsidiary silver coins and United States notes; which were referred to the Committee on Finance.

Mr. EATON presented the petition of Joseph Jordan, jr., and Thomas Eustice, of Allegheny County, Pennsylvania, praying for the extension of a patent improvement for grinding and sizing paper-pulp; which was referred to the Committee on Patents.

Mr. EDMUNDS. I present the additional petition of Mary E. Colburn, of Vermont, praying for relief growing out of the untimely death of her husband, Justin E. Colburn, late United States consul-general to Mexico, soon after he arrived at his place of duty, together with a letter of the Secretary of State on the same subject. I move the reference of these papers to the Committee on Foreign Relations.

The motion was agreed to.

Mr. FERRY presented the memorial of W. H. McKinsty and 24 others, citizens of Michigan, remonstrating against the passage of the bill (H. R. No. 5430) to secure more efficient collection of the revenue on cigars; which was ordered to lie on the table.

Mr. WALLACE presented a memorial of the Board of Trade of Philadelphia, in favor of the passage of a law changing the tariff on kid and leather gloves from *ad valorem* to specific duties; which was referred to the Committee on Finance.

Mr. WALLACE. I also present a resolution of the Legislature of Pennsylvania, in favor of an appropriation by Congress for the erection of necessary Government buildings in that State. I ask to have this resolution read at length.

The VICE-PRESIDENT. It will be reported.

The resolution was read, and referred to the Committee on Appropriations, as follows:

COMMONWEALTH OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES.
Harrisburgh, January 27, 1879.

Resolved, (if the senate concur,) That our Senators in the Congress of the United States be instructed, and our Representatives requested, to use all honorable means and their utmost endeavors in securing appropriations for the erection of necessary Government buildings in the principal cities and towns of this Commonwealth.

WM. C. SHURLOCK,
Chief Clerk House of Representatives.
THOS. B. COCHRAN,
Chief Clerk Senate.

Approved.

HENRY M. HOYT, Governor.

Mr. WALLACE. I also present a resolution of the Legislature of Pennsylvania, in favor of the passage of the bill now pending in Congress granting a medal to each of the survivors of the five companies of Pennsylvania volunteers who passed through the mob in Baltimore in 1861. I ask that this resolution be reported at length.

The VICE-PRESIDENT. It will be read.

The resolution was read, and referred to the Committee on Military Affairs, as follows:

HOUSE OF REPRESENTATIVES,
Harrisburgh, February 3, 1879.

Whereas, on the 15th day of April, A. D. 1861, Abraham Lincoln, President of the United States, issued his proclamation calling for seventy-five thousand troops to maintain the authority of the Government and the indivisibility of the Republic; and three days later, on the 18th day of April, five companies, numbering five hundred and thirty men, from the counties of Berks, Lancaster, Mifflin, Schuylkill, and Lehigh, entered Washington, they being the first of all to arrive in obedience to the President's call; and

Whereas, on the 22d day of July, 1861, the Thirty-seventh Congress passed the following resolution:

Resolved, That the thanks of this House are due and are hereby tendered to the five hundred and thirty soldiers from Pennsylvania who passed through the mob of Baltimore and reached Washington on the 18th day of April last, for the defense of the National Capitol.

"GALUSHA A. GROW,
Speaker of the House of Representatives."

And whereas, a bill is now pending before Congress granting a medal to each of the survivors of the said five companies from Pennsylvania; and

Whereas, the granting of the medals would be both a just acknowledgment of the courage and self-sacrifice of those patriotic men and an ever-memorable honor to Pennsylvania: Therefore,

Be it resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Representatives in Congress be requested to use both their influence and vote to secure the passage of said bill.

WM. C. SHURLOCK,
Chief Clerk House of Representatives.
THOS. B. COCHRAN,
Chief Clerk Senate.

Approved:

HENRY M. HOYT, Governor.

Mr. COCKRELL presented the memorial of Peter Cooper, jr., and others, citizens of Saint Louis, Missouri, remonstrating against the passage of the bill (H. R. No. 5430) to secure more efficient collection of the revenue on cigars; which was ordered to lie on the table.

Mr. MCPHERSON. I present resolutions of the New Jersey Historical Society, in favor of an appropriation by Congress to be expended toward erecting a monument over the grave of Christopher Columbus in San Domingo. I ask to have these resolutions reported at length.

The VICE-PRESIDENT. They will be reported.

The resolutions were read, and referred to the Committee on Public Buildings and Grounds, as follows:

NEW JERSEY HISTORICAL SOCIETY,
Newark, New Jersey, January 30, 1879.

DEAR SIR: At a meeting of the New Jersey Historical Society, held at Trenton, on Thursday, the 23d instant, the following preamble and resolutions were adopted:

Whereas from the evidence which we have it appears to be a fact settled beyond reasonable doubt that the mortal remains of the great discoverer, Christopher Columbus, were never removed from San Domingo, but are still there, (in the custody of Canon Billini of the Cathedral church of that city, acting under the authority of the municipal government,) as was shown by their discovery and examination on the 10th of September, 1877, and the re-examination made at the request of His Catholic Majesty the King of Spain on the 2d of January, 1878; and

Whereas, though this great man expressed a desire that his remains should find a final resting-place in his beloved Hispaniola, they have not yet found it; and the people of San Domingo, although desirous and willing to erect a suitable monument in their cathedral under which to deposit them, are not able to compass the same without foreign aid: Therefore,

Be it resolved, That it is the sentiment of the New Jersey Historical Society that the discoverer of the western world is worthy of a monument which shall be suitable to his greatness and also expressive of the gratitude of a Christian people, and such a monument should be built by the joint contributions of the republics of the western continent.

Resolved, That it would be both eminently proper and graceful for the United States of America to take the first step in bringing about such joint action by the western republics.

Resolved, That a copy of the foregoing be forwarded by the corresponding secretary to the Senators and Representatives from New Jersey in the Congress of the United States.

Resolved, That the corresponding secretary communicate to the various historical societies of the country the action of this society in the premises, and request their co-operation in an endeavor to interest our National Government in the proposed work.

Your co-operation in effecting the purposes of the above resolutions is respectfully requested.

By order of the society.

W. A. WHITEHEAD,
Corresponding Secretary.

Mr. INGALLS presented a petition of William McLean and others, citizens of Kansas, praying for the establishment of a post-route from Oberlin to Wallace, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Mrs. Maria Gifford, of Rochester, New York, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Beulah B. Tuttle, widow of Samuel B. Tuttle, late a private in Company A, Fifth Maryland Regiment, praying for a pension; which was referred to the Committee on Pensions.

Mr. BUTLER presented a memorial of the Montrose Grange, No. 28, of Dinwiddie County, Virginia, in favor of a reduction of the tax on tobacco; which was ordered to lie on the table.

He also presented a memorial of Montrose Grange, No. 28, of Dinwiddie County, Virginia, in favor of the passage of the bill (H. R. No. 3547) to regulate interstate commerce and prohibit unjust discrimination by common carriers; which was referred to the Committee on Commerce.

Mr. PLUMB presented a telegram, purporting to be resolutions of the Legislature of Kansas, against the granting of subsidies to any corporation to enable it to secure financial aid from the Government to assist it in defeating the Atchison, Topeka, and Santa Fé and Pacific roads in completing certain connections; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the petition of Thomas C. Brophy, praying that Congress will cause to be forwarded to the several free public libraries of the different towns of the United States one copy of the CONGRESSIONAL RECORD daily during the sessions of Congress after the 4th of March, 1879, asked to be discharged from its further consideration; which was agreed to.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the joint resolution (H. R. No. 127) instructing the Attorney-General of the United States to bring certain suits in the name of the United States to set aside certain patents to lands of the Black Bob band of Shawnee Indians, reported it with amendments.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 44) instructing the Attorney-General of the United States to bring certain suits in the name of the United States to set aside certain patents to lands of the Black Bob band of Shawnee Indians, reported adversely thereon; and the joint resolution was postponed indefinitely.

Mr. EDMUNDS. I am instructed by the same committee, to which was referred the bill (S. No. 1237) to declare the legal effect of permits granted by the President of the United States to purchase products of the insurrectionary States, to report it with sundry amend-

ments, which some gentlemen of the committee desire to have made to the bill, but with the recommendation of the committee that the bill ought not to pass and that it be indefinitely postponed. I infer that the Senator whom I do not see in his seat at this moment, who desired to have these amendments made, would like the bill to go on the Calendar, with the adverse report of the committee.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. EDMUNDS. I am instructed by the same committee, to which was referred the bill (H. R. No. 1335) for the removal of the political disabilities of William A. Cornwell, of Georgia, to report it adversely. It does not appear that there is any such person in existence, or that there ever was. The man intended, as we learn, was a gentleman named Carswell, for whose relief a bill passed hitherto, and was approved on the 19th of June, 1878. Therefore this bill appears to be an entire mistake and we recommend that it be indefinitely postponed.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the petition of John Randolph Hamilton, of South Carolina, praying for the removal of his political disabilities, reported a bill (S. No. 1825) to remove the political disabilities of John Randolph Hamilton, of South Carolina; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. No. 5333) for the removal of the political disabilities of John McIntosh Kell, of Georgia, reported it without amendment.

Mr. EDMUNDS. There are one or two other cases, that I will not mention the names of, for the same reason that I did not the other day, where gentlemen have presented petitions, and one is a House bill, where it appears that the persons who want their disabilities removed have still unsettled and unpaid accounts with the Government. If any Senator interested in such bills or petitions who finds that they are not reported will visit the room of the Committee on the Judiciary, he will ascertain the reason why.

Mr. BOOTH. I wish to present and have printed the views of the minority of the Committee on Patents in relation to the bill (S. No. 371) to authorize the extension of the patent of E. N. Horsford, which was reported by the majority of the committee yesterday. I ask that these views may be printed and considered with the bill.

The VICE-PRESIDENT. That order will be made.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1326) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HOAR, from the Committee on Agriculture, to whom was referred the petition of Jearum Atkins, of Washington City, District of Columbia, praying that his former petition relative to the sale of his patent rakes for harvesters, reported on adversely by the Committee on Claims, may be recommitted to said committee and he be allowed to appear before them and give further information, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 5822) for the relief of Henry T. Fuller and others, sureties upon the official bond of William H. Waterman, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2160) for the relief of the heirs of Samuel P. Todd, deceased, late a purser in the United States Navy, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

DOCUMENTS RELATING TO DISTRICT SEWERAGE.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution for printing Senate Miscellaneous Documents Nos. 13, 17, 19, and 25, have instructed me to report it without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 700 copies of Senate Miscellaneous Documents Nos. 13, 17, 19, and 25, relating to the improvement of the sewerage and sanitary condition of the District of Columbia, with maps and plates, the same to be stitched in a single volume and bound with paper covers, of which 200 copies shall be for the use of the Senate, 300 copies shall be for the use of the House of Representatives, 100 copies shall be for the use of the Senate Committee on the District of Columbia, and 100 copies shall be for the use of the House Committee for the District of Columbia.

BILLS INTRODUCED.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1826) to provide a sinking fund for the 3.65 bonds issued in pursuance of the act of Congress approved June 20, 1874; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 64) to furnish law-books to the Creek Indian Nation; which was read the first time by its title.

Mr. MORGAN. I ask that the joint resolution be read at length and considered by the Senate at this time.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is directed to procure for the use of the Creek Indian Nation a complete set of the reports of the Supreme Court of the United States and of the Statutes at Large and the Revised Statutes; and a sufficient sum of money is hereby appropriated for this purpose out of any money in the Treasury not otherwise appropriated.

The VICE-PRESIDENT. The Senator from Alabama asks the Senate to consider the joint resolution at this time.

Mr. EDMUNDS. Oh, no.

The VICE-PRESIDENT. The Senator from Vermont objects, and the resolution goes over.

Mr. EDMUNDS. Let us hear it read again, Mr. President. I did not pay full attention to it before.

The VICE-PRESIDENT. The joint resolution will be reported.

Mr. MORGAN. I will state to the Senator from Vermont that the object of the resolution is to furnish a set of the decisions of the Supreme Court of the United States, the Statutes at Large, and the Revised Statutes for the use of the Creek Indian Nation. The Creek Indian Nation has a supreme court and has really made much advance in that direction. I happen to know some of the members of that court, and they are very good lawyers. I desire also to say that the Cherokee Nation, and I believe the Choctaw Nation, have been furnished with these books by the Government of the United States, and that the Creek Nation is poor and they are a very economical set of people. They have no means beyond the interest on their annuity funds to sustain themselves; and they are anxious to learn and understand all about their relations to the Government of the United States. I think it is due them that we furnish them these books. Those people are educating themselves very rapidly; they have a number of good schools and two excellent high schools. A very handsome paper is published weekly at the capital, Muscogee, and it is a very large and excellent paper. In every respect they are progressing in civilization, and I think it would be proper to encourage them in their efforts.

Mr. EDMUNDS. The Senator from Alabama cannot feel more strongly an interest in these people than I do myself, from what information and knowledge I have; but I do not think it a good way to legislate for them or for anybody else by passing measures at the moment of their introduction that are not in print, and that we may not be able to understand the exact scope and effect of. That is all I wish to say; and saying that, I hope the Senator will not feel that I am outside of my duty in asking that the resolution may be referred in the usual way, to the Senator or somebody else, to consider and report.

Mr. MORGAN. I will ask the Senator from Vermont to modify his motion to refer the resolution to the appropriate committee so as to let it go over until Monday.

Mr. EDMUNDS. Oh, certainly. I will not insist upon its reference at this time.

The VICE-PRESIDENT. The resolution will lie on the table for the present.

Mr. DAVIS, of West Virginia. A word, Mr. President, on this resolution. I notice that it makes an appropriation of money; it is hardly possible by a simple resolution of the Senate to appropriate money.

Mr. MORGAN. It is a joint resolution requiring the action of the House.

Mr. DAVIS, of West Virginia. It ought to take the shape of a bill and not a joint resolution, as it makes an appropriation of money.

Mr. EDMUNDS. I should like to suggest to the Senator from Alabama—because I dare say I shall be in favor of this in the end—that the most convenient way of bringing it to speedy action would be to refer the joint resolution to the Committee on Appropriations. If that committee are in favor of doing it at all, instead of making it in a separate bill they can put an amendment on some one of the appropriation bills, which would be perfectly legitimate, as it is not a private claim, to enable the Secretary of State to supply them with these works.

Mr. MORGAN. I will accept the suggestion of the Senator from Vermont.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Appropriations.

Mr. McCREERY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 65) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL, it was

Ordered, That Colonel Thomas Worthington, of the State of Ohio, have permission to withdraw from the files the report of the Third Auditor, of March 9, 1867, on his claim, on leaving copies.

AMENDMENTS TO BILLS.

Mr. ANTHONY and Mr. WALLACE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 6126) to establish post-routes in the sev-

eral States herein named; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. INGALLS and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5218) to establish post-routes herein named; which were referred to the Committee on Post-Offices and Post Roads.

Mr. COCKRELL submitted amendments intended to be proposed by him to the bill (H. R. No. 6430) making appropriations for the construction, repair, and completion of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

CATTLE DISEASES.

Mr. PADDOCK. I am instructed by the Committee on Agriculture to ask an order of the Senate for the printing of a communication from the Commissioner of Agriculture addressed to the chairman of the Committee on Agriculture on the subject of infectious diseases among cattle, for the use of the committee, and I make a motion to that effect.

The motion was agreed to.

PARIS MONETARY CONFERENCE.

Mr. ALLISON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 10,000 extra copies of the proceedings of the Paris monetary conference held last year be printed; 6,000 for the use of the House, 3,000 for the use of the Senate, and 1,000 for the State Department.

HOUR OF MEETING.

Mr. MORRILL. I desire to call up the resolution submitted by me two or three days ago providing that the sessions of the Senate shall commence at eleven o'clock a. m. on and after Monday next.

The Senate, by unanimous consent, proceeded to consider the following resolution submitted by Mr. MORRILL on the 13th instant:

Resolved, That on and after Monday next the daily sessions of the Senate shall commence at eleven o'clock a. m.

Mr. EDMUNDS. I move to amend the resolution by adding "unless otherwise ordered," so that we can commence a little earlier still, if we should have occasion.

Mr. MORRILL. I accept that modification.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution, as modified, was agreed to.

FRANCIS V. GREENE.

Mr. CAMERON, of Pennsylvania. I ask the indulgence of the Senate to take up the joint resolution (S. R. No. 46) to authorize Lieutenant Francis V. Greene, United States Army, to accept certain decorations from the Emperor of Russia.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SARGENT. I should like to hear the joint resolution reported. I do not remember whether this is a case that I have in my mind or not. One case at least I do not object to. I should like to have the joint resolution reported so as to refresh my recollection.

The VICE-PRESIDENT. The joint resolution will be reported for information.

The Secretary read the joint resolution.

Mr. SARGENT. I have no objection to that resolution, Mr. President. I think that case comes within the rule.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was reported from the Committee on Foreign Relations with an amendment to strike out the entire preamble and resolution and substitute therefor the following:

Whereas First Lieutenant Francis V. Greene, of the Corps of Engineers, United States Army, was sent abroad by order of the President of the United States for the purpose of observing and reporting to the Government the progress of the late war between Russia and Turkey, and while in the pursuit of that duty of observation was personally exposed under fire in several battles, combats, and skirmishes; and

Whereas the Emperor of Russia has conferred upon the said Lieutenant Greene the following decorations and medals, to wit:

First, the decoration of the third class of the Order of St. Anne for bravery under fire at the battle of Shipka Pass, August 23 and 24, 1877, and at the assault on Plevna, September 11, 1877;

Second, the decoration of the fourth class of the Order of St. Vladimir for bravery under fire during the passage of the Balkans, December 25 to 31, 1877, and at the battle of Philippopolis, January 15 to 17, 1878;

Third, the campaign medal conferred upon all persons present in the campaign: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said Lieutenant Greene be authorized to accept the said decorations. But no title, rights, or privileges of any kind whatsoever shall be conferred upon the said Lieutenant Greene by the said decorations.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution author-

izing Lieutenant F. V. Greene, United States Army, to accept certain decorations conferred upon him by the Emperor of Russia."

THE CALENDAR.

Mr. MORRILL. I ask unanimous consent that the Anthony rule, so called, shall be understood to commence to-day and hereafter at half past twelve o'clock, instead of half past one.

Mr. WHYTE. I object to that. It is nearly half past twelve now.

Mr. MORRILL. We shall have the same hour and a half for the Calendar that we have heretofore had.

Mr. WHYTE. I withdraw the objection.

The VICE-PRESIDENT. The Chair desires to understand the rule. Under the terms of what is known as the Anthony rule it would commence to operate at the termination of the morning business and run until half past one o'clock. The question is whether it should do that, or have its proportion of the time since the hour of meeting has been changed.

Mr. MORRILL. What I desire is to have the same proportion of time for the Calendar which it occupied before we passed the resolution to meet at eleven o'clock.

The VICE-PRESIDENT. The Chair hears no objection to the suggestion of the Senator from Vermont.

DISTRICT WATER RATES.

Mr. ROLLINS. I ask the Senate now to consider Senate bill No. 1529, which was called up yesterday morning, and to which some objection was made. I understand the Senator who then objected has examined the matter and is willing to withdraw his objection.

Mr. KERNAN. I ask that the bill be read for information.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business. I think we shall have no time to-day unless we take it now, and there are several committees that would like to make their reports and have them on the Calendar.

Mr. ROLLINS. I ask the Senator to withhold the motion for a little while.

Mr. MORRILL. I will withdraw the motion until the Senator from New Hampshire gets through with the bill that he has called up.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (S. No. 1529) to authorize the commissioners of the District of Columbia to adjust and fix the water rates within said District.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MERRIMON. I do not object to the present consideration of the bill, but I wish to say as a member of the Committee on the District of Columbia that I did not concur in reporting the bill.

Mr. EDMUNDS. We had better take a vote on proceeding to the consideration of the bill; and I hope the Chair will put the question in that form. I do not wish to have the bill taken up by unanimous consent at this moment, because it is an important bill.

The VICE-PRESIDENT. The bill can only come up at this time by unanimous consent.

Mr. EDMUNDS. I thought the Senator from New Hampshire had moved it.

The VICE-PRESIDENT. It requires unanimous consent to consider the bill in the morning hour.

Mr. EDMUNDS. Then I think I must object.

Mr. ROLLINS. Will the Senator from Vermont withdraw his objection for one moment?

Mr. EDMUNDS. With pleasure.

Mr. ROLLINS. I wish to state that the District of Columbia has not thus far received five minutes' attention from the Senate during the present session. Here is an important measure which has been pending for some time, and it is very desirable indeed that immediate action should be had with reference to it. The bill simply gives the commissioners of the District of Columbia power to revise the water-rates. The present rates are unreasonable and unjust.

Mr. KERNAN. Will the Senator allow me a moment?

Mr. ROLLINS. Certainly.

Mr. KERNAN. If you strike out that accompaniment of the bill that comes so often to us, providing for an advance of \$25,000 out of the Treasury, and instead of that let the District wait until something can be collected to prosecute the work, I think there will be no objection to the bill. With that provision in the bill I think there will be serious objection to it.

Mr. ROLLINS. The United States Government will not suffer the loss of a single dollar. One hundred and twelve thousand dollars is already due from the people of the District for water-mains, but it is due in annual installments. This sum of money cannot be collected immediately; and the purpose of the bill, in the section to which the Senator from New York has referred, is to allow the Secretary of the Treasury to make this small advance until this money can be collected from the amount due for water-mains. Nobody will suffer by the transaction, and the people of Capitol Hill and other high points in the District of Columbia will thus have an additional supply of water, which they very much need. I certainly hope that the Senator from New York will not object at this time; and I hope also the Senator from Vermont will withdraw his objection.

Mr. KERNAN. What I mean to say is that, according to my information, we have advanced time after time money in this way. I want to vote for striking out the provision in the bill giving them

this money out of the Treasury. They can have water like other citizens of the country without our loaning them money all the time.

Mr. ROLLINS. Then let the Senator from New York move to strike out that section. Will the Senator from Vermont withdraw his objection?

Mr. EDMUNDS. Oh, yes, I will withdraw my objection to the bill being taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1529) to authorize the commissioners of the District of Columbia to adjust and fix the water rates within said District.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause of the bill and to insert in lieu thereof:

That the commissioners of the District of Columbia be, and they hereby are, authorized and directed to adjust and fix the rates to be paid in the District of Columbia for use of Potomac water supplied for any purpose from the aqueduct, except for use of the United States or the District of Columbia, and to establish rules for the payment thereof, and for the delivery of water. But the rates so established by them shall not be such as will increase the revenue of the water department of said District, in proportion to the number of places supplied, more than 30 per cent.

SEC. 2. That the Secretary of the Treasury be, and he hereby is, directed to advance to said commissioners the sum of \$25,000, to be reimbursed by payment into the Treasury of the United States, until said sum is paid in full, of all collections of water-main taxes now due said District; and the money so advanced shall be expended to improve the water supply on Capitol Hill and other higher portions of Washington.

SEC. 3. That the rates of charges established and rules made as in this act provided shall have the same force and effect in the District of Columbia as if enacted by Congress.

The VICE-PRESIDENT. The substitute will be regarded as the original bill if there be no objection. The Chair hears none, and it will be so treated.

Mr. KERNAN. I move to strike out the second section, where we are asked to appropriate \$25,000, and wait until they collect the money from water rents.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York to strike out the second section.

Mr. ROLLINS. Allow me to say one word. This is merely a temporary loan to the water board. The mains laid in the streets of Washington are paid for by a tax of one and one-fourth cents per square foot of lots fronting on the street on which any main is laid, the tax being payable in five yearly installments. The only money the commissioners can use to pay the cost of the mains when laid is that derived from the water rents. Over \$112,000 have been thus paid from these rents, and are not yet refunded through collections from the water tax. In consequence of this the water department is unable to make this expenditure. They propose to lay a twelve-inch pipe down Fourteenth or Fifteenth street to supply the Island with water, so as to avoid a detour of some two miles; then to disconnect the thirty-six-inch main on New Jersey avenue and allow the water to flow from the thirty-six-inch main into the main on Capitol Hill. They are unable to do that without this money. The money is due in the manner I have stated. They would be glad to lay down the pipe, and the laying down of the pipe is an absolute necessity at some time. This bill will merely enable them to anticipate the payment of the money. It will not take from the Government one single dollar. Every penny will be refunded as soon as the money is collected. It seems to me it would be a great injustice to the people living upon Capitol Hill and other high points in this city if they are to be deprived of the water which is necessary just for want of a small temporary loan which will not cost the Government of the United States one single dollar. I hope, therefore, that the amendment of the Senator from New York will not prevail.

Mr. KERNAN. I am reluctant to object to this provision of the bill, but such appropriations come up time after time. The cities of my State must get their water without a loan from the State or the Federal Government. If there is this money back, yet to be paid, they can do as other cities do, borrow the money temporarily. But it is an easy thing to push through such work here, and have the money paid out of the Treasury and wait until somebody collects it to be refunded. I think it is a bad mode of doing business. The work should wait until the money is collected, unless they can borrow on the strength of what is due them. There have been large advances made by the Government to this District, and I am told they have not been returned.

Mr. ROLLINS. I am not aware of any such instance. Besides, the other cities of this Republic do not have to come to Washington for their special legislation, and I think they may thank fortune for that. The District of Columbia, as I said when I was on the floor before, has not received the attention of the Senate of the United States for five minutes during this entire session. The Committee on the District of Columbia has found it actually impossible to secure the attention of the Senate.

Mr. KERNAN. I am willing to give them attention, but I am not willing to vote them money all the time.

Mr. ROLLINS. The Senator from New York suggests that the commissioners should make a temporary loan. This bill is simply to authorize them to make a temporary loan. That is all I ask.

Mr. KERNAN. Oh, no; this is a direct appropriation from the Treasury.

Mr. ROLLINS. A temporary loan is all that is asked in this case.

Mr. DAVIS, of West Virginia. The money is certainly directed to be paid out of the Treasury by this bill.

Mr. ROLLINS. The Secretary of the Treasury is authorized to make this temporary advance to the District.

Mr. DAVIS, of West Virginia. When the Senator is through, I will submit what I have to say.

Mr. ROLLINS. Very well.

Mr. DAVIS, of West Virginia. Is the Senator through?

Mr. ROLLINS. Certainly.

Mr. DAVIS, of West Virginia. As I understand this bill, it provides a direct payment out of the Treasury of \$25,000; and now the Senator from New Hampshire says that there are \$112,000 due. If that be so why do they not collect it?

Mr. ROLLINS. It is due in annual installments.

Mr. DAVIS, of West Virginia. Then let them collect it in annual installments. I see no reason why we should go to the Treasury and take \$25,000 out. Very few times has the money ever been returned that has been taken out, Mr. President. That is my information.

Again, if this \$25,000 is taken out of the Treasury there is nothing in the bill to prevent it from being appropriated to almost any other purpose, not to supply water here on Capitol Hill, but anywhere. I have no doubt the people of Capitol Hill are suffering for water and ought to have it; but this is not the place to come for money to get it. All the cities in the country must have water, and they have to pay for it, and I think that ought to be the case here. Congress has agreed to pay half the expenses of this District—I believe that is the amount—and Congress is doing that promptly. I think that is right; I think it is just; but they should not come to the Treasury every time a little improvement is needed for anything and say, "Loan us the money." We had better give it to them at once. It would be much better if we did, and the country would then know what we were doing. I ask the Senator from New Hampshire now if he can put his finger upon a single instance where money has been borrowed from the Government and taken from the Treasury that it has been returned again. I ask him if he has in his mind a single instance in which it has been returned, although he is a member of the District Committee? I recollect that some time ago \$75,000 were taken out of the Treasury for a specific purpose, and I am told that although it was years ago not one cent of it has ever been returned.

Mr. ROLLINS. Perhaps it would be more becoming for the Senator from West Virginia to point out to the Senate an instance where money has been taken from the Treasury by the District of Columbia and not returned. I understand that in every instance it has been returned. In this case, not a dollar is wanted except as a mere temporary accommodation. It is the duty of Congress to legislate for the District of Columbia. The District commissioners, who have this matter in charge, have asked for this accommodation. They have asked the power to borrow \$25,000 temporarily, and I hope the permission will be granted.

Mr. EDMUNDS. Mr. President, the experience of this District has been such as not to make it altogether agreeable always to be governed by Congress, and ten or a dozen years ago, whatever the time was, Congress allowed the District to govern itself with full powers like a municipal corporation and something more. After two or three or four years of that experiment the District was made bankrupt, and Congress was obliged to assume the government of the District as far the less of two evils. One of the things that we undertook to do and did do when we stopped the reign of profusion and extravagance and misfortune into which the District had been got by this principle of self-government that we adopted, was to provide by most express and specific penal legislation that the debt of the District, which had then got to be so large that it was practical bankruptcy, should not under any circumstances be increased, under whatever pretenses or for whatever objects; that nothing could be done that should increase the debt of the District; and, therefore, there could be no more loans, no borrowing of money. We have stuck to that ever since we have resumed the government of the District, and it is beginning to have its effect. People suffer meantime, they say, "Your streets are bad; you do not get as much water as you want, your police are not sufficient, your laws are not sufficient, the poor are not sufficiently taken care of." All very true, but it is better we should bear these evils as we go along and endeavor to get out, than it is to resort to loans when the District is in the condition it is now.

This is put to be sure under the agreeable form of a loan from the Treasury of the United States. Suppose it be a loan, as a regular business transaction, then the debt of the District is increased by \$25,000; and that is expended for some purpose. How are you going to make up that deficiency? You are going to make it up, you say, by collecting taxes; but are not all the water taxes that are due and payable now necessary for the daily and current operations? Most certainly they are, and are insufficient they say; and they want to increase the rates.

The consequence will be, Mr. President, although this is a small subject, only \$25,000, that we shall do a great injury to this District in my judgment if we undertake to authorize the commissioners to borrow money for any purpose. If they cannot collect the taxes, let them wait until they can. I am unable to see what this difficulty about the water taxes is. The water taxes, as I find to my grief and misfortune as a little householder here, are payable in advance.

Mr. ROLLINS. This is due for water-main tax, \$112,000.

Mr. EDMUNDS. I know; but I am talking about the revenue that is raised, the money that is derived from water taxation in order to pay the expense of laying mains and meters and everything else.

Mr. ROLLINS. The Senator will allow me to suggest that this \$112,000 is due for the water-mains, which is collected by a taxation of one and one-fourth cents per square foot on the adjoining lots. This tax is payable in five years, five annual installments, and there are \$112,000 due. When that money is paid it will go into the Treasury of the United States, and the Treasurer of the United States can deduct the \$25,000 and get back his money.

Mr. EDMUNDS. Where are the water-mains that that tax was laid for?

Mr. ROLLINS. In various parts of the city.

Mr. EDMUNDS. They are all laid down?

Mr. ROLLINS. But the five years have not expired.

Mr. EDMUNDS. Then they want that tax to pay for the mains that are laid down; so that it is still worse. We are going to take this tax that was for mains we have already got (which is not yet clear) to pay for new mains.

Mr. ROLLINS. But the mains are paid for.

Mr. EDMUNDS. So that the District of Columbia is not in debt in respect of its water arrangements?

Mr. ROLLINS. Not in respect to that, but in respect to its water-mains.

Mr. EDMUNDS. In respect of any of its water arrangements?

Mr. ROLLINS. Not that I am aware except on the water bonds.

Mr. EDMUNDS. The water bonds were issued I suppose to get money to buy water-mains. That is exactly where the thing comes in. We borrowed the money to buy the mains and got it on bonds. We laid a tax payable in installments along from year to year to raise the money to pay off the bonds. Now it is proposed to borrow \$25,000 more for water purposes and to get it out of the tax that has already been laid and which when collected is to go to the purpose of paying off the water bonds. Plainly that ought not to be done.

In addition to what I have said before, as it appears to me the fact is, Mr. President,—and I speak of it the more freely from the fact that I am one of the people who in my degree have to bear the burden of it—that the water affairs of this city, after all that Congress has done on the subject, ought to be paid for and can be paid for by the people who use the water, under a proper administration, and the highest parts of the city as well as the lowest can be provided for under a proper administration; and if more money is needed in order to improve the water facilities, then authorize the commissioners if that be necessary—I do not suppose it is under the statute as it exists—to increase the rates for that purpose. Increasing the rates for that purpose will enable them to get the money to do it; but to borrow this money out of the Treasury of the United States or anywhere else and charge it upon any fund of the income receivable by this District, is in my opinion just a new step toward the same and a worse ruin than we experienced before.

Mr. ROLLINS. I disagree entirely with my friend from Vermont. I think this is not a departure which will work any harm to the city. It is a mere temporary advance which will be repaid, and the people who are suffering for want of water will get the water many months before they could by any other process.

Mr. HOWE. Will the Senator allow me to inquire why this tax is not already collected?

Mr. ROLLINS. It is payable in five annual installments, and the time has not arrived when it can all be collected.

Mr. HOWE. One-fifth of it, then, is to be paid every year?

Mr. ROLLINS. I suppose it is.

Mr. HOWE. How many installments are already due? One-fifth of \$125,000 is \$25,000, so that each year you collect \$25,000.

Mr. ROLLINS. It cannot be collected in a moment; it will take some little time to do it. This provides that the Government, while it is being collected, shall advance the money.

Mr. HOWE. And you cannot get it out of the Treasury in a moment. You have to pass your warrant.

Mr. ROLLINS. We can get it in a very short time.

Mr. HOWE. How long will it take you to collect the \$25,000 now due?

Mr. ROLLINS. That is impossible for me to answer.

Mr. HOWE. If the Senator cannot answer how long it will take, he probably cannot answer positively that it will ever be collected.

Mr. ROLLINS. I cannot say that every dollar of it will be collected.

Mr. HOWE. Can you positively say that the \$25,000 will be?

Mr. ROLLINS. I think it might.

Mr. HOWE. It is a matter of opinion.

Mr. ROLLINS. It is my opinion that it will and a good deal more—probably the whole amount.

Mr. HOWE. There is no security for it.

Mr. THURMAN. I should like to ask by what law are the present water rates fixed? By an act of Congress?

Mr. ROLLINS. I do not know how they were fixed.

Mr. THURMAN. Or was it by an act of the Legislative Assembly?

Mr. ROLLINS. Perhaps by an act of the Legislative Assembly. I am not familiar with the affairs of the District during that period.

Mr. EDMUNDS. This is the state of the law I believe, if my friend

from New Hampshire will allow me to state it: When we abolished the Legislative Assembly, &c., we transferred all the functionary powers they had to these commissioners. The Senator from Ohio well remembers that, for he was on the committee. I find in chapter 8 of the Statutes of the United States for the District of Columbia a complete provision as to water service.

The first section provides that the Legislative Assembly shall have full power to supply Potomac water out of the aqueduct mains, &c., and so on. The next section provides that no expense shall devolve upon the United States for that thing, which is a very good section; only it ought not to be observed I suppose! The next section provides that the Legislative Assembly shall have power to establish a scale of annual rates for the supply and use of the water, proportioned to different classes of buildings, according to their size, dimensions, assessed values, exposure to fires, uses for dwellings, and going through the whole list of everything, which I will not spend the Senate's time to read, giving them the right from time to time to arrange it and amend it and extend the rates and advance them, and provide for stopping the supply of water whenever there was a failure to pay, and generally to enact all such laws as may be necessary to supply the inhabitants of Washington and Georgetown with pure and wholesome water.

Then the next section provides that the water rates levied in Washington and Georgetown shall never be a source of revenue other than as a means of keeping up in the said cities a supply of water, but shall constitute a fund exclusively devoted to the maintenance, management, and repair of the system of water distribution.

The next section provides that a water tax may be levied and collected on all real property within the limits of the city of Washington which bounds or touches on any avenue, street, or alley in which a main water-pipe may be laid by the United States or by the District; and the next that the water tax shall be as nearly as possible equal and uniform and so on, making a complete system.

By the act of Congress to which I have referred the authority of the old Legislative Assembly was transferred to the commissioners, but the trouble is that the commissioners want to run the District in debt to the extent of \$25,000 to do things which they think they cannot wait to lay taxes to do. That is precisely what the point is.

Mr. THURMAN. The next point I wish to inquire about is how much does this bill authorize the water tax to be enlarged?

Mr. EDMUNDS. Thirty per cent.

Mr. ROLLINS. Not exceeding 30 per cent.

Mr. THURMAN. But the fund that will arise from these water rates is to remain as it is now, only to be used in the extension of the water privileges.

Mr. ROLLINS. The same.

Mr. THURMAN. Not to be used for the general purposes of revenue?

Mr. ROLLINS. No.

Mr. THURMAN. It is still to remain a special fund as before?

Mr. ROLLINS. Certainly; the bill does not make any change in that regard.

Mr. THURMAN. Mr. President, water is the only cheap thing in the District of Columbia that ever I have found; certainly the only cheap thing in the city of Washington. I believe the water rates are lower here than in any city in the country. I should like to preserve one thing that is cheap in this District; but if the committee are certain that they cannot afford the water facilities to the sections of the city that are now deprived of them without this additional tax, so be it, I will not antagonize it, but I am sorry we have to give up the only cheap thing there is here.

Mr. WADLEIGH. I want to ask the Senator from Vermont whether or not he has been furnished with water in return for the taxes which have been levied on him?

Mr. EDMUNDS. I have been furnished with some water but not with water which will go to the second story of my house except by pumping. But I do not grumble about that. They have done the best they can for the time being, I suppose, and the part of the city where I reside is subject to the same misfortune, but we hope it will be gradually bettered and that without getting into debt, and I would rather go dry than run in debt.

Mr. WADLEIGH. I wish to ask the Senator in charge of this bill whether or not this bill is the result of an effort on the part of certain portions of the city which have paid their taxes and never had any water, to get water?

Mr. ROLLINS. It is the best plan that could be devised for remedying the difficulty.

Mr. WADLEIGH. Mr. President, I think I have been as uniform in my opposition to the extravagance and the profuseness of which my friend, the Senator from Vermont, speaks as any man in this Senate; but that profusion and that extravagance were for the benefit of certain portions of this city near which my friend, the Senator from Vermont, happened to live. Nearly all the money raised by taxation was expended in that portion of the city and expended on portions of the city where people did not live and where those who had the disbursement of very large amounts of money, amounting to millions, owned large blocks of real estate; very little of it was expended in the vicinity of this Capitol upon Capitol Hill. The people there have always paid their tax; they are paying their water tax now and they have for years, and they have had no water or practically none. That

is so to-day. Their water rates have been as large as those of anybody in the city, and it is only about once a week that they can have any water at all.

Now, the question is whether or not that shall be continued for months for the want of a little appropriation which will be paid back again, or whether they shall have the relief to which they are entitled. In behalf of that portion of the city which has been oppressed by the legislation of Congress that allowed that to be done which has been done in the past; in behalf of those people who have paid taxes and who never have received anything practically for what they have paid, I ask that this bill may be allowed to pass.

The VICE-PRESIDENT. The morning hour has expired.

Mr. ROLLINS. I hope that the bill will be acted on.

The VICE-PRESIDENT. Is there unanimous consent that the bill be further considered? The Chair hears no objection.

Mr. BECK. I am not prepared to advise whether this is a good bill or not; but that something ought to be done, and that something of this sort ought to be done in behalf of the people residing on Capitol Hill, I do know. The complaint is not made as to the amount of the tax paid for water, but the complaint is all over that portion of the city where I happen to reside temporarily that we are paying all our water taxes and get no water. The charges are made by the frontage of houses, and the same amount of tax is imposed on people who get nothing as on those who have an abundant supply. There are about four thousand houses on Capitol Hill, making some twenty thousand people, perhaps the poorest portions of the city, and perhaps, therefore, the most neglected. The water in the mains that were laid down, as it was supposed, to reach Capitol Hill, is drawn off by the lower portions of the city. The Navy Yard is abundantly supplied for machinery and for every other purpose, and the water-mains are carried to the low levels, so that water will not reach the houses on the high ground. So at the Arsenal and elsewhere. This effort, as I understand it, is an endeavor to detach the mains that lead to these low grounds and lay down another main that will be for the benefit of the people residing on Capitol Hill.

What will happen if some means is not devised before this Congress adjourns to enable those people to get water who are paying taxes and are not complaining of having to pay them, but who are getting no water, as I know, because living within a square and a half of here my servant has to come to the Capitol every morning with his bucket and carry water for us to drink; and so have plenty of others? If something is not done, if this Congress adjourns, and Capitol Hill is left during the summer without any supply of water, then the sanitary condition of that portion of the city, if it happens to be an unhealthy season, will be very bad, or I am very much mistaken. It is impossible with all the arrangements for water in the houses, with all the sewers laid, with all the sewer gas, when we ought to be getting water, that the people shall remain healthy in that portion of the city unless something is done; and if there is a fund of \$140,000 unpaid, as I am told—

Mr. ROLLINS. One hundred and twelve thousand dollars.

Mr. BECK. One hundred and twelve thousand dollars unpaid, out of which this \$25,000 could be refunded, I hope the commissioners will be authorized to borrow it, so as to give relief to these people.

I desire to say—perhaps it is unnecessary—that by the 1st of May neither I nor any member of my family will be on Capitol Hill. I would not live there next summer if you were to give me a house for nothing, unless water is supplied. I do not believe it is safe for people to live in a house with all the appliances for water from which the water is cut off, and it is certainly not just to require them to pay for water they do not get, and when other people on the lower ground are getting an ample supply, and paying no more than those who are getting nothing. If the \$25,000 can be loaned to anticipate what is coming in, in any proper form, surely it ought to be done.

Mr. EDMUNDS. I think it will turn out on inspection—but I am not sufficiently familiar with it to point it out at this moment—that this water tax or main tax as the Senator from New Hampshire calls it, which is payable by annual installments, is pledged for the payment of the water bonds that were issued to pay for the mains that have already been laid down; and if we provide by act of Congress to loan \$25,000 to these commissioners to be paid out of that fund which is already pledged to another debt that is as big as the fund is, then there will certainly be a deficiency somewhere. That is plain enough. That is all I wish to say, sir.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York [Mr. KERNAN] to strike out the second section of the bill.

The question being put, there were ayes 10.

Mr. DORSEY. There is no quorum voting. I should be glad to have the amendment reported.

Mr. CONKLING. So should I.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York to strike out from the bill matter which will be now reported.

The SECRETARY. It is proposed to strike out section 2 in the following words:

SEC. 2. That the Secretary of the Treasury be, and he hereby is, directed to advance to said commissioners the sum of \$25,000, to be reimbursed by payment into the Treasury of the United States, until said sum is paid in full, of all collections of water-main taxes now due said District; and the money so advanced shall be

expended to improve the water supply on Capitol Hill and other higher portions of Washington.

Mr. MORRILL. I understand from the commissioners that all the water rents, as well as all the receipts from water-mains, are pledged for the redemption of the water bonds, but that there will be a large excess, abundant to pay this \$25,000, and much more.

Mr. ROLLINS. And they have to use this fund day by day in laying the mains. This is a mere temporary diversion of it, such as they have to resort to every day in the ordinary business of the water department.

Mr. KERNAN. I do not make this proposition factiously. I do not do it because I believe the people on Capitol Hill need no water. I do it because I am informed that this is merely paying from the Treasury what will be a deficit if we do not pay it, and we shall not get it from any source that now exists practically. Congress has said how much the Federal Government will pay toward the expense of the District. I believe the proportion fixed is enough. Now, to say that we are to direct the Treasurer to pay out what we have no sort of security, as I am informed, that we shall ever get back is against my judgment.

In other cities the tax-payers have to get their water without having the expense paid out of any treasury but that fund which is supplied by their own taxes. If there are water taxes due they should be collected and applied. If they are not due but are certain to come in, those who are intrusted with the matter should negotiate a loan upon the strength of the fund thus expected.

Mr. ROLLINS. They cannot do it without authority of law.

Mr. KERNAN. Then go without. But I am told the real trouble is that there will be a deficit, and this is one mode of getting money to provide for what will be a deficit in the fund.

Mr. ROLLINS. I should like very much to know where the Senator from New York gets his information. There is no such purpose on the part of anybody, that I am aware of, to make a deficit, but the purpose is to pay back this money dollar for dollar and cent for cent, every bit of it, and the United States Treasurer has the staff entirely in his own hands, because all the taxes collected in the District of Columbia go into his keeping, and if he does not see fit to pay himself or pay the Treasury of the United States it certainly is not the fault of the people of the District, and there is no purpose whatever anywhere to make a deficit.

Mr. DORSEY. The Senator from New York [Mr. KERNAN] on this subject, as on many others with regard to the District of Columbia, is entirely misinformed. I do not remember that ever a bill has been brought forward for the relief of the people of this District that the Senator from New York has not had some extraordinary information in respect to it—information which the Committee on the District of Columbia, the executive authority of this District, and the people who have charge of the subject-matter have never heard of at all. Now, in regard to this water matter, the aqueduct, the water supply, its entire control is not under the charge of the commissioners of the District of Columbia, but under the charge of the Superintendent of Public Buildings and Grounds of the Government itself. The commissioners of the District have no option whatever in the disposition of the money arising from these rents; they are all pledged in advance, every dollar of them; and if an additional pipe is to be laid or any extraordinary expense to be incurred, they must come to Congress to get authority to do it.

They are not here, as the Senator from New York intimates, to cover up some deficiency in some other department of the District government by getting \$25,000 for this purpose. The Senator is entirely in error in respect to that, and I think if there is one thing more than another that Congress ought to do at once, it is to grant these men the money and power to lay water-mains on Capitol Hill and other points in the city where the people are entirely without water except in the lower stories of their houses, and as a consequence there is the greatest danger from pestilence when the warm weather comes.

I am informed and believe, because I have had some experience of that sort myself, that on Capitol Hill there is hardly a house where they get water above the basement. If it requires \$25,000, or \$100,000, or \$250,000, to furnish these people with water, they ought to have it to protect their health and get what they pay for. The evil ought to be corrected at once.

Mr. KERNAN. Mr. President, the Senator from Arkansas says that no measure comes up that I do not have some extraordinary information about. Sir, when I came into the Senate in 1875 I heard facts on this floor and heard documents read by members who had been here long years that made me suspicious of the way money was taken out of our Treasury and used in this District. I sat here by the day and by the hour and heard gentlemen of all parties who had been here show that the tax-payers of the District had been robbed and that the Treasury had been robbed by guaranteeing certain bonds and by other things that ought not to have been done. When they ask us to pay out of the people's money for a local improvement here, have I not a right to ask the committee who come here to make some written report or give us some facts so that I can be certain that what I have heard said about me here in reference to this, that we shall not get the money back, is a mistake? There is no written report accompanying the bill. I cannot understand from the statement how there is any certainty that there is any fund that will be applied to the repayment of this money.

I said I had heard that other advances had not been paid back. I am told by gentlemen here who are familiar with the subject that we voted, and I believe I voted then, to advance \$75,000 for a purpose that was a good purpose, but it was not a purpose that ought to be paid out of the Treasury of the United States; but it was said "this is a mere loan to be paid back;" but that \$75,000 has never been paid back and is forgotten.

Now, if they have means to pay for this in the future at a reasonable time and are certain of it, I should suppose that they could get contractors who would dig these ditches and lay these mains and wait till the taxes are collected, as they do in my city and in every city in my State. The statute says they may wait until the taxes are collected. But I understand there is collection for other things, and there may be some doubt about our getting this money back if we advance it. That is the reason I feel it to be my duty now, as it is on other occasions when you seek to take money out of the Treasury, whether it is a small sum or a large sum, to know that we ought to do it before I vote for it or let it go unchallenged.

Mr. SAULSBURY. Mr. President, I have heard so much complaint about the failure of the commissioners to supply water to certain parts of the city that I am disposed to vote for the provisions of this bill which authorize the commissioners to borrow money provided I can have the proper assurance that the money will be paid back again. That is the difficulty with me.

It is very true, as the Senator from New York says, that we are frequently called upon to make advances to the District commissioners, and it is said the money has not been refunded to the Treasury; but we all know what the necessity for water is in every town and city in the country. People must have, in order to be comfortable, a proper supply of wholesome water. I am told that in certain parts of this city the supply is very limited. How that has occurred I have not the proper information. I suppose, however, that it has been because there has not been a wise and proper and just administration of the government of this city in that regard. I cannot understand how one portion of this city should have been amply supplied with water and another portion entirely deprived of it if there has been proper attention and diligence given to the business by the gentlemen having it in charge. I suppose that is the real secret. But in the mean time the people who have been paying taxes for water supply are suffering in some portions of this city. Now, to remedy that suffering, I am willing that there shall be an advance from the public Treasury to a limited amount, provided there is proper assurance that that money will be reimbursed to the Treasury. The Senator from New Hampshire proposes in the bill to refund it out of a specified fund, and the Senator from Vermont says that that is pledged for another and a specific purpose. If that is true, there is no proper guarantee that this money will be returned to the Treasury.

Mr. ROLLINS. There is sufficient for both.

Mr. EATON. If my friend from Delaware will allow me, I am informed by my colleague, who is on the District Committee, that the fund to which the Senator alludes is not pledged for a specific purpose, but only a percentage of that fund; all the balance of the income may be used to pay the necessary expenses attending the providing of the water. If that be so—and I have no doubt the chairman of the committee can tell what the percentage is—then this is a perfectly proper transaction.

Mr. DORSEY. I can state that there is due now to the water fund of the District as water tax on the properties where the mains have been laid, payable in five annual installments, \$112,000. The total income of the water department is about \$92,000 a year. It takes \$44,000 of that to pay the interest on the water debt and provide a sinking fund, leaving \$47,000 or thereabouts for laying mains and paying all the other expenses of the department. A portion of that each year is used for laying mains, which are paid for by a tax on the property accommodated by the mains, and that tax has fallen behind now, so that there are \$112,000 to be paid within the next five years in installments. Out of that \$112,000 this \$25,000 is to be reimbursed.

Mr. EDMUNDS. How much of that \$112,000 is overdue?

Mr. DORSEY. I have not information on that subject; I cannot answer that.

Mr. SAULSBURY. Mr. President—

Mr. WADLEIGH. If my friend from Delaware will allow me to interrupt him, let me suggest, in reply to the inquiry of my friend from Vermont, that a considerable portion of that amount is overdue and unpaid because of the fact that those who are to pay it get no water, and consequently are unwilling to pay. I know of one or two instances in the immediate vicinity of where I happen now to live, where the people say, "We are called on to pay such an amount; we do not have any water; we have been paying tax for years and cannot get any water."

Mr. ALLISON. Why can they not get water?

Mr. WADLEIGH. Because the mains are constructed in such a way that they do not get it. As the Senator from Kentucky says, some of the people there have to send their servants to the Capitol for water.

Mr. SAULSBURY. I am the most courteous and obliging gentleman on earth, or I certainly should not have permitted these interruptions which have taken me entirely off my feet. However, if the gentlemen who have interrupted me had given me the proper information, had given me the assurance that out of the fund specified

in the bill this \$25,000 would be repaid, I should certainly acquiesce in the interruption, and I should acquiesce even in the proposed appropriation of money.

But the Senator from Arkansas and the Senator from Connecticut assure me that this fund is partially pledged to another purpose. I prefer that we should secure the payment of this \$25,000 out of a specific fund set apart for no other purpose, and I suppose therefore if the Senator from New Hampshire would so modify the bill as to make the \$25,000 payable out of the water taxes hereafter collected within a reasonable time, say by the 1st of January next, I would acquiesce in it; but when you propose to pay this \$25,000 out of a fund partially pledged to some other purpose, I fear that other purpose will be the first provided for and that this \$25,000 the commissioners will come back and ask to be relieved from the payment of.

Mr. DORSEY. The Senator will allow me—

Mr. SAULSBURY. I wish to conclude my remarks without interruption.

Mr. DORSEY. The Senator misunderstands what I said.

Mr. SAULSBURY. Very well.

Mr. DORSEY. I should be glad to correct that error. I stated that \$112,000 of taxes due the water department, payable in five annual installments, was pledged for this specific thing and for nothing else. The pledge for other purposes is the annual income outside this \$112,000, which is pledged for the payment of the interest on the water-bonds. One hundred and twelve thousand dollars of water tax is pledged for this \$25,000 and for nothing else.

Mr. SAULSBURY. I do not see from the statement of the Senator from Arkansas how it is pledged for the payment of loans hereafter to be effected. I apprehend it is pledged to pay bonds already issued and the interest accruing on those bonds. I cannot see how they can have anticipated in advance that to-day we are to borrow \$25,000 and pledge the tax levied heretofore.

There is another provision of this bill to which I wish to direct attention, and that is the proposition to readjust the water tax rates and increase them not more than 30 per cent. I do not know whether there is any necessity for raising the water rates. We have had no proper information on that subject. If it is necessary to give the commissioners power to readjust the water rates and add 30 per cent., I have no objection; but in the absence of any proper information as to the necessity for increasing the water rates of this city, I do not feel disposed to vote for it. If, however, the gentleman having charge of this bill can show that the present water rates of this city are insufficient, of course it will be proper to clothe the commissioners with authority to advance them; but we have no information, as I understand, on that subject as to the necessity for it, and I should, therefore, like the Senator having charge of this bill or some member of the District Committee to give us the information as to whether there is any necessity for increasing the water rates in this District.

Mr. DORSEY. I can say a word on that point. The total cost of the water-works to supply Washington and Georgetown with water was \$3,500,000. That has been paid entirely by the Government of the United States, and this District pays no interest whatever upon that sum. On that investment of \$3,500,000 and other large investments made by the District and General Governments since the original construction of the works, the total income is now \$92,000 for all the rents, the General Government and the District government paying no rent at all for water. If the Senator considers \$92,000 a fair interest on an investment of over \$4,000,000, then the tax collected in the District of Columbia is a fair and proper tax.

Mr. ALLISON. May I ask right here, for information, what is done annually with this \$92,000 collected?

Mr. DORSEY. Of the \$92,000, \$44,000 is paid upon a debt created by the District of Columbia to extend the water-mains in the District. Forty-seven thousand dollars is paid out annually for the employés to take care of the water-works and to extend new mains. About \$18,000 is annually used to extend new mains, and the total income the District government has control of is only \$47,000 on an investment of over \$4,000,000.

Mr. HEREFORD. I should like to ask the Senator from Arkansas one question. Why is it that one part of the city is well supplied with water and the other not? Why is it that the money that has been appropriated has been thus improperly expended?

Mr. DORSEY. I do not know that any money has been improperly expended. That is another matter. I shall not undertake to go into that point.

Mr. HEREFORD. I mean expended in one part of the city to the exclusion of the other when that other part pays its share of the tax; why is that?

Mr. DORSEY. If the Senator from West Virginia will tell me how we can manage to have water run up hill, I can answer the question. The topography of the city of Washington—

Mr. HEREFORD. That is done every day. That is what the gentleman proposes to do now, to run water up hill.

Mr. DORSEY. Let me answer the question, and then I will yield. The topography of the city of Washington happens to be so that one part of the town is lower than the other. The connection between the main reservoir and the lower part of the town is by very large pipes; with the higher part of the town by very small pipes. I presume it is an engineering problem which can be easily figured out to ascertain the amount of pressure on these small pipes necessary to

provide for water running up hill. There is not pressure enough, and we design to remedy that difficulty by passing this bill.

Mr. HEREFORD. Why has not that been done by money heretofore provided?

Mr. DORSEY. That was long before my time. General Meigs twenty years ago laid all these pipes.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York, [Mr. KERNAN,] to strike out the second section of the bill.

The amendment was not agreed to, there being on a division—ayes 14, noes 35.

Mr. ALLISON. I offer the following amendment to come in at the end of section 3:

Provided, That said commissioners shall not have authority to direct the use of meters or other devices for the measurement of water used.

Mr. ROLLINS. I have no objection to that whatever.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend the first section by adding at the end of it these words:

And they shall have all the powers and be subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States relating to the District of Columbia.

Chapter 8 of the Revised Statutes of the United States relating to the District of Columbia is on the subject of the water service and gives the power of regulation, &c., of the use of water and puts the limitations about not carrying the taxes above what are necessary to accomplish these objects.

On looking at the act which transferred the government of the District from its old governor and board of public works and Legislative Assembly, &c., it may be open to some doubt whether these commissioners now, by force of that act, have these powers, and I want to give them the powers fully and have them subject to the same limitations of the sections that I read a little while ago, which give them the responsible control of this use of water, require them to so adjust their rates as to make them uniform and fair, which would enable them if they chose where a man can get but little water to reduce his tax in proportion, and so on, to make it just, and at the same time make them responsible to the limitations in respect of the tyranny and inequality and injustice that the standing statute made the old government of the District. I presume there will be no objection to this amendment at all.

Mr. ROLLINS. None.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

Mr. SARGENT. I call for the regular order.

The VICE-PRESIDENT. The regular order is the unfinished business, being the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.

Mr. ROLLINS. I hope we shall be allowed a few moments to finish this bill. It will not take five minutes.

Mr. SARGENT. I withdraw the call for five minutes.

The VICE-PRESIDENT. Is there unanimous consent that this bill be further considered for five minutes? To this the Chair hears no objection. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The amendment was agreed to.

Mr. EDMUNDS. I now move to strike out the third section which reads:

Sec. 3. That the rates of charges established and rules made as in this act provided shall have the same force and effect in the District of Columbia as if enacted by Congress.

That provision is now rendered unnecessary by the adoption of the eighth chapter of the statutes; and also Senators will see that saying that anything these commissioners may order shall have the effect of an act of Congress might result in declaring that a man should be sent to the State's prison if he did not pay his water taxes.

Mr. ROLLINS. I see no objection to the amendment.

Mr. ALLISON. I do not object to the amendment of the Senator from Vermont, but I attached to that third section a proviso which I think ought to be inserted somewhere.

Mr. EDMUNDS. Very well, let the Senator put it somewhere else. It is utterly intolerable to say that the commissioners may make laws for the District.

Mr. ALLISON. I think so. I therefore will move, as this section is stricken out, to attach my little proviso to the end of the first section.

The VICE-PRESIDENT. That will be the understanding. The Chair hears no objection. The question now is on the amendment of the Senator from Vermont to strike out the third section.

The amendment was agreed to.

Mr. ALLISON. Now I ask that the proviso I offered be added to the first section.

The VICE-PRESIDENT. It is so ordered.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROLLINS. The title of the bill should be amended by adding the words "and for other purposes."

The VICE-PRESIDENT. That amendment will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1277) donating condemned cannon and cannon-balls to the Colchester Monument Association, of Colchester, Connecticut, for monumental purposes;

A bill (H. R. No. 1278) donating condemned cannon and cannon-balls to Ledyard Monument Association, of Ledyard, Connecticut, for monumental purposes;

A bill (H. R. No. 2457) for the relief of A. F. Rockwell, aid-de-camp on the staff of General Buell;

A bill (H. R. No. 3779) for the relief of Isham C. Taylor;

A bill (H. R. No. 3571) donating condemned cannon to the city of Boston for monumental purposes;

A bill (H. R. No. 4002) donating a condemned cannon and cannon-balls to Post No. 145, Grand Army of the Republic, district of Massachusetts;

A bill (H. R. No. 4013) donating condemned cannon to Lyon Post, No. 10, Grand Army of the Republic, to be placed in a lot in Siloam Cemetery, Vineland, New Jersey, to be held as a free burial-place for ex soldiers, sailors, and marines;

A bill (H. R. No. 4752) donating condemned cannon to Weiser Post, Grand Army of the Republic;

A bill (H. R. No. 4772) granting condemned cannon to Grand Army Post No. 3, of Taunton, Massachusetts, for monumental purposes;

A bill (H. R. No. 4803) donating four condemned cannon and sixteen cannon-balls to Monongahela Cemetery, to be placed in a lot held as a free burial-ground for ex soldiers, sailors, and marines, and for other purposes;

A bill (H. R. No. 4836) granting condemned cannon to the village of Quincy, Michigan, for a soldiers' monument;

A bill (H. R. No. 4837) authorizing the Secretary of War to deliver to the city of Port Huron, Michigan, certain condemned cannon and balls for a soldiers' monument in Lakeside Cemetery;

A bill (H. R. No. 5011) authorizing the donation of ten condemned bronze cannon to aid in the erection of a monument to the memory of General George A. Custer at the Military Academy at West Point;

A bill (H. R. No. 5021) donating condemned cannon to the Danville Light Battery A, Illinois National Guards;

A bill (H. R. No. 5176) to donate condemned ordnance to the Union Township Monumental Association, at Milford Center, Ohio;

A bill (H. R. No. 5531) donating condemned cannon to Saint Clair Post, Grand Army of the Republic;

A bill (H. R. No. 6179) donating four condemned cannon to the town of Sutton, in the State of Massachusetts;

A bill (H. R. No. 6416) granting the right of way to the county of Warren, in the State of Mississippi, and to the Memphis and Vicksburg Railroad Company, through the United States Cemetery tract of land near Vicksburg, Mississippi;

A bill (H. R. No. 6272) donating condemned cannon to Bayard Post for purposes therein mentioned;

A bill (H. R. No. 6434) to remove the political disabilities of James F. Harrison, of Virginia;

A joint resolution (H. R. No. 129) authorizing the Secretary of War to deliver to the town of Avon, Livingston County, New York, four cannon for the soldiers' monument in said town; and to the city of Canton, Ohio, four cannon for the same purpose;

A joint resolution (H. R. No. 134) authorizing the Secretary of War to deliver to the city of Winterset, Madison County, Iowa, four cannon and carriages for the soldiers' monument in said city; and

A joint resolution (H. R. No. 207) authorizing the Secretary of War to send artillery and camp equipage to the soldiers' reunion at Cambridge, Ohio.

The message also returned to the Senate, in compliance with its request, the bill (H. R. No. 5477) to authorize the issue of certificates of deposit in aid of the refunding of the public debt.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 376) for the payment to the officers and soldiers of the Mexican war of the three months' extra pay provided for by the act of July 19, 1848.

The message also announced that the House had passed the following bills:

A bill (S. No. 217) for the relief of John A. Shaw;

A bill (S. No. 658) to authorize the restoration of Michael O'Brien to the rank of first lieutenant in the Army;

A bill (S. No. 830) for the relief of Francis O. Wyse; and

A bill (S. No. 1307) directing the Secretary of War to purchase a lot of ground situated near the city of Columbus, Ohio, now used by the United States as a cemetery.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed enrolled bill (H. R. No. 376) for the payment to the officers and soldiers of the Mexican war of the three months' extra pay provided for by the act of July 19, 1848; and it was thereupon signed by the Vice-President.

CERTIFICATES OF DEPOSIT.

Mr. MORRILL. I desire to enter a motion to reconsider the vote

by which the Senate passed the bill (H. R. No. 5477) to authorize the issue of certificates of deposit in aid of the refunding of the public debt. The bill has been returned from the House in pursuance of the request made by the Senate yesterday.

The VICE-PRESIDENT. The Senator from Vermont moves to reconsider the vote by which the bill was passed. The motion will be entered.

NOTICES OF BUSINESS.

Mr. VOORHEES. During the last session I had the honor to introduce a resolution into this body instructing the Committee on Pensions to report a bill making provision for placing the names of the surviving soldiers of the Mexican war on the pension-roll. I desire to give notice that on Thursday of next week, after the morning hour, I shall call up that resolution for the purpose of affording the Senator from Missouri [Mr. SHIELDS] an opportunity to address the Senate on the subject in behalf of those with whom he served during that war.

Mr. McPHERSON. A few days ago I gave notice that on this morning, immediately after the morning hour, I would ask the Senate to consider the bill (S. No. 84) to amend certain provisions of the Revised Statutes of the United States relating to the transportation of animals. I find, sir, that there are many things before the Senate which will occupy its attention during the entire day, and I now wish to give notice that on Monday morning, immediately after the morning hour, I shall ask, for reasons which I deem important, that the Senate will then postpone all other orders, unfinished business, and everything else, and suspend the rules, and give attention to this subject.

In support of that proposition I simply wish to say to the Senate that there is no question that to-day occupies the public mind to a greater extent than this one, and none that more imperiously challenges the action of the Senate and immediate action. The live-stock interest of the country, the commercial interests of the country, and the people of the whole country, I believe, to-day could scarcely be convinced that there was any question for which the Senate should provide a remedy sooner or more complete than to relieve this prostrate industry. I do not want any Senator to think that in asking the Senate to consider this bill I propose to antagonize any other measure. The bill has been carefully considered by an intelligent committee of this body, has been reported to the Senate, and I think the report of that committee will satisfy almost any Senator that the bill ought to pass.

I wish further to state, Mr. President, that the commercial interests of the country, if there were no other reason, demand that immediate action be taken to afford relief to that industry. One of the most important products of export is to-day banished from the English market for causes which this bill is intended to remedy; and if this embargo be not taken from that productive industry of the West, it will receive a shock scarcely felt by that industry in times of financial panic. Last year we exported more than four hundred thousand beeves, and a large number of sheep and swine, and to-day we are completely banished from the English market. If this export is prohibited, my opinion is that the throwing of this large surplus upon the home markets will reduce the price to an extent that will almost bankrupt the people engaged in that enterprise. For that reason I shall insist at the time named upon the consideration of the bill.

The VICE-PRESIDENT. The unfinished business of the Senate is now in order.

Mr. EDMUNDS. I rise to suggest to the Senator from New Jersey as matter of order, that I understood him to say he would move to suspend the rules. If he intends to make any motion to suspend the rules I must insist that the motion be reduced to writing, and lay over, so that we be able to see just what is proposed.

Mr. McPHERSON. I did not move to suspend the rules, but I gave notice that I shall ask the Senate to consider this bill in preference to all others.

Mr. EDMUNDS. I misunderstood the Senator.

Mr. EATON. I desire to give notice that on Tuesday, after the morning hour, I shall move to lay aside all business before the Senate for the purpose of taking up the bill (S. No. 1629) to allow the Commissioner of Patents to extend the patent No. 6535 of reissues.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 763) to provide for holding term of the circuit and district courts in the district of Colorado;

An act (S. No. 954) for the relief of Thomas A. Walker; and

An act (S. No. 1263) to provide for the adjustment and settlement of certain internal-revenue taxes erroneously assessed and collected from the Cumberland Valley Railroad Company.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from New York, [Mr. CONKLING,] which will be read.

The SECRETARY. The amendment is to strike out all after the enacting clause of the bill and insert:

That the President of the United States is hereby requested immediately to give notice to the Emperor of China that so much of the existing treaty between the United States and China as permits the migration of subjects of the Chinese Empire and their domicile in this country is unsatisfactory to the Government of the United States and, in its judgment, pernicious; and to propose such modifications of said treaty as will correct the evils complained of; said modifications to be made in a new or supplemental treaty to be submitted to the Senate of the United States on or before the 1st day of January, 1880. Should the government of China refuse or omit to agree by a change of the existing treaty to such modifications, as aforesaid, then the President of the United States is further requested, and he is authorized, to inform the Emperor of China that the United States will proceed by laws of its own to regulate or prevent the migration or importation to its shores of the subjects of China, and after the 1st of January, 1880, to treat the obnoxious stipulations as at an end.

Mr. HAMLIN. Mr. President, I owe it to myself to offer my thanks to the Senate for the courtesy which they have seen fit to extend to me in allowing me to address this body upon the present occasion instead of compelling me to do so at a late hour last evening when somewhat exhausted.

In the broad field that lies before me and in view of what has already been said, I hardly know what line of argument is most appropriate. The discussion of this question has somewhat surprised me. We who have been opposed to the passage of this bill coming to us from the House of Representatives have been taunted as sentimentalists, as sustaining a system of glittering generalities. For myself, sir, I have no glittering generalities that I would sustain here to-day; but there are great and fundamental principles coeval with the formation of this Government that have come down to us as traditions of the past, which we have traced along in the practice of this Government and to which I still adhere. Ours was established as "the home of the free," where the outcast of every nation, where the child of every creed and of every clime could breathe our free air, and participate in our free institutions; and we are met and told that these are "glittering generalities!"

Right here and now allow me to say that this marks distinctively the Senators who support and those who oppose this bill. We who oppose it would, if we had the power, recognize these "generalities" as principle, principle to be maintained in all the future as they have been maintained in the past. We who oppose this bill plant ourselves upon the doctrine so well enunciated by that distinguished Senator, now no longer with us, but whose spirit I would invoke upon this body to-day. The late Senator Morton was one of the committee delegated by this body to make an examination into the condition of the Chinese in California, and he has left a legacy to his countrymen and an imperishable monument to his own fame in the brief, though broken, report which he has submitted to us, and in that brief report he has stated clearly and distinctly the grounds that divide us here to-day. That report, which a kind Providence did not give him health to complete, but did give to him a sufficient degree of physical ability and of life to use words that shall live when we shall have passed away, and principles that shall remain when those who combat them shall be forgotten, says:

A discussion of the effect of Chinese immigration upon the country involves many considerations, and any proposition looking to its prohibition or limitation would require us to consider some of the fundamental principles of the theory and practice of our Government. It is our proudest boast that American institutions are not arbitrary in their character, are not the simple creatures of force and circumstance, but based upon great and eternal doctrines of the equality and natural rights of man. The foundation-stone in our political edifice is the declaration that all men are equal; that they are endowed by their Creator with inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to obtain these, governments are instituted among men, deriving their just powers from the consent of the governed. We profess to believe that God has given to all men the same rights, without regard to race or color.

It is upon this doctrine that we who oppose the passage of this bill as a restriction and a limitation stand in resisting it.

Mr. President, this question has resolved itself into two simple propositions, one of power and the other of principle. Upon the question of power I have heard no difference of opinion in this body. That we may abrogate our treaties with every foreign power is a doctrine which I maintain; and when it comes to that point, when we are justified before the civilized and Christianized world in abrogating a treaty, let us do it. But I do not believe in the doctrine, I do not believe in the expediency of seeking to abrogate a treaty upon a single and comparatively unimportant part, expecting that the main features of the treaty shall thereafter remain in force. That one party to a treaty can change any part thereof, without the consent of the other, is a proposition so absurd that it would be folly to argue it. We have the power; there can be no doubt upon it in my own mind, but there is a broad distinction between power and right. We may have the power to do many things that are wrong; we may have the power to do, and we may do, many things that would not meet the approval of calm and considerate judgment. What we should do, and the rule by which we should be guided, is the rule of right, not of power.

Oh! it is excellent

To have a giant's strength; but it is tyrannous
To use it like a giant.

Now I want to invite the attention of the Senate to the true condition in which this question is presented to us for our consideration and our action. I have no hope of affecting a single vote, but I wish to state the reasons of my own conclusion.

We negotiated a treaty with a friendly and a foreign power. We, in connection with other governments, forced that treaty upon that power. It is as patent and as true as anything; it is as certain as mathematics, that in securing that treaty there was no section of our country so earnest, so forward as that which lies upon the Pacific coast. We negotiated the treaty, we battered down a wall of commercial restriction that had surrounded the Chinese government in the long ages of the past, almost as restrictive as that Chinese wall that preserved that empire from the Tartar hordes of the north. We accomplished, however, the negotiation of a treaty which secured to us the right of trial by jury of our own citizens in that empire, which opened up a given number of ports which should be accessible for the commerce of our country; and we granted in return the immigration of Chinese subjects to our own country. Why, sir, who does not remember with what welcome, with what rejoicing that treaty was hailed upon the Pacific coast. To say that they honored it is hardly adequate. That they did homage to the men who negotiated it is nearer the truth. Now, it is affirmed that that treaty is injurious to our friends on that coast, and from its effects they desire to be relieved.

Mr. President, if there is wrong, if there are evils to be corrected, if there is that which demands the interference of the American Congress to correct an existing condition of things, I am as ready as any member upon this floor to apply the proper remedy. I am not willing, however, to apply that remedy of might which subverts the remedy of right. What is, then, the true statement of the case practically as it is presented right here and now? Let us look at it as a practical question. We are asked to secure a modification of the treaty thus negotiated which allows an unlimited immigration from the Chinese Empire to this country. That is the precise question, and it is sought in direct contravention of the fifth article of the treaty to limit that immigration. Is it a desirable thing to do? I will not stop to consider that; but conceding it to be a desirable thing to do, what is the mode in which it should be done? And that brings us directly to the division which we have here upon this question. I would proceed by the ordinary rules of negotiation; I would treat that empire as I would treat every civilized nation upon the earth, and I believe that there are few Senators on this floor who would be willing to treat a warlike power of Europe in the summary manner in which this bill proposes to treat the Empire of China. I would first make the distinct proposition to that empire to treat. Failing to treat, coming within the scope of the amendment which has been submitted by the Senator from New York, after full and ample notice, I would say then that we might take the matter into our own consideration and apply the remedy which in our own judgment should be demanded.

At the last session of this Congress there was a variety of subjects submitted to the consideration of the Committee on Foreign Relations, one a bill almost in the terms of this now presented to us, differing indeed, I believe, only in that but ten citizens of that empire should embark upon any one vessel, this extending it to fifteen. There was another bill proposing to place a capitation tax upon every Chinaman immigrant to this country. There were two or three other propositions. After mature consideration, the Committee on Foreign Relations believing it just and right and the proper solution of this problem, directed my honorable friend from Wisconsin [Mr. HOWE] to report a resolution to this body. Perhaps it is not inappropriate to say that I drew that resolution. It met the approval of the committee, and in my absence the Senator from Wisconsin was kind enough to report it for the consideration of the Senate. It was adopted by the Senate. It has been read; still you will pardon me for again presenting it, in connection with what I am saying, to the attention of the Senate:

That the provisions of the existing treaty between the Empire of China and the United States, allowing the unrestricted emigration to this country from China, might wisely be modified so as to subserve the best interests of both governments; and the attention of the Executive is respectfully invited to the subject.

That was a simple invitation on the part of this body, inviting the attention of the Executive to the consideration of this subject, the committee deeming it and believing it to be the precise and best mode in which the result aimed at should be accomplished. It is but a few months since the Senate adopted that resolution. I would leave this question upon that resolution to-day, if I could have my way. I would have no action in this body now. I would leave it there; I would trust it to the Administration in the firm belief—and I do not speak unadvisedly—that if there were not this hot haste to override and to supersede the duties that justly and appropriately belong to the Executive, there would a solution come of this question satisfactory even to our friends upon the Pacific slope. I have before stated to the Senate that conferences have already been held by our Government and the Chinese embassy to the United States with a view to accomplish that result.

Now, sir, I am opposed to legislating upon treaties except in extreme cases, and this is not one of them. I am opposed to legislating upon treaties until every other appropriate method has been resorted to.

Mr. EATON. My friend will allow me to interject a word. He has spoken as chairman of the Committee on Foreign Relations. I should be glad to ask him a question; and that is if that committee were not assured—I do not mean by any outside authority, but were not that committee assured in themselves that a resolution of the character

which was adopted would produce precisely what my friend says he would wait another year for, before another session of Congress?

Mr. HAMLIN. In reply to the question of my friend, I cannot answer anything as to what took place in committee, because I only stated the action of the committee, and that action was evidenced in the report of this resolution.

Mr. EATON. But my friend stated more—

Mr. HAMLIN. I did not mean to state more.

Mr. EATON. He stated that there were divers and sundry things referred to the committee.

Mr. HAMLIN. Yes, that was a matter of record. Those papers had been referred by the Senate, and it was upon those very papers that that resolution was reported. But I do say, I have just said, that if we would only have a little of that patience which I think we ought to have; if we would only wait a fair and reasonable time, in my judgment we should reach a solution of this question under that resolution that would be satisfactory to our friends on the Pacific slope, as well as to the people of the whole Union.

Mr. CONKLING. I have listened to the question of the honorable Senator from Connecticut [Mr. EATON] and have taxed my recollection to know on what he intends his question to operate, and I think I can say with safety that there never was before the Committee on Foreign Relations, to my knowledge at least, anything upon which any member of the committee could rest himself as an assurance that anything was to be done under the resolution referred to by the Senator from Maine except that which would naturally occur. If there was any private or special assurance about it, I am quite confident I never heard of it or I should not have forgotten it. Did the Senator from Wisconsin ever hear anything about that?

Mr. HOWE. No, sir.

Mr. EATON. I will take occasion to test the matter of memory at another time, not now.

Mr. HAMLIN. What has been, Mr. President, the practice of our Government in matters very similar to this? I have stated, I think, that I believed our Government would undertake with no European warlike nation to deal thus summarily. We ought surely to deal with the feeble with more leniency. What has been the practice of our Government in cases very similar to this? Only a few years since, when the British government undertook to interpolate into the extradition treaty of 1842 words which should exonerate them from surrendering fugitives from this country to theirs, by insisting upon certain declarations on the part of our Government that the person claimed should not be tried for other offenses than those for which the reclamation was demanded, you recollect, all of you Senators, what was the position of our Government? We denied the right; and what did Secretary Fish say? "The United States adheres to the position announced in my former instruction, that it will recognize no power to alter or attach conditions to an existing treaty without its previous consent;" and he declares in the same dispatch the binding obligations of treaty provisions "upon all courts, both State and national;" and, further, "while the treaty shall be in force the Government of the United States would be strangely forgetful of the dignity and rights of the country if a foreign state were permitted to exact stipulations or engagements pursuant to her law, but foreign to the treaty, as a condition of obtaining the performance of treaty stipulations."

And what did President Grant say in his message submitting to us the correspondence between our Government and that of Great Britain? Speaking of the right claimed by the British government to interpolate words not within the treaty he said:

If adhered to, cannot but be regarded as the abrogation and annulment of the article of the treaty on extradition.

Secretary Fish said again:

This involves the question whether one of the parties to a treaty can change and alter its terms or construction, or attach new conditions to its execution, without the assent of the other; whether an act of Parliament passed in 1870 can change the spirit or terms of a treaty with the United States of nearly thirty years anterior date.

Here is the position of our Government in a case parallel as nearly as may be with that which is presented to us for our consideration. I have stated that we have a power to abrogate a treaty. We may abrogate it in gross or we may abrogate it upon an immaterial point; but we may not suppose for a single moment that if we seek to annul and abrogate a single clause in that treaty it will remain binding upon the part of the government of the other party that negotiated it with us. So, if we shall abrogate that article which allows the free immigration of Chinese into this country, it is an annulment and an abrogation of that treaty in all its parts if the Emperor of China shall so think fit to regard it.

Go one step further, and what did we do here in this body at our very last session in relation to the treaty of Washington? There was an award made under that treaty by which we were compelled to pay to the government of Great Britain five and a half millions of dollars for the right to fish in British colonial waters. We paid it, but I think it is mathematically demonstrated to-day that of all the benefits that we received the full value of the catch of the fish in those waters when imported into our markets to-day is less than we pay for the privilege of the catch. In other words, the importation of free fish and of fish-oil and of smoked fish and of pickled fish, the catch of the British colonies, in the remission of duties, is largely more

in dollars than the value of all the fish that are caught by Americans within their waters. Yet we have obeyed and discharged our obligations in that treaty. But it will be remembered by Senators that we did what? Introduce a resolution to repeal the law that admitted fish and fish-oil and the products of fish free into this country, as it is proposed to do here now? There was submitted to the consideration of the Senate a resolution that it was desirable to terminate that treaty within the shortest period of time according to the conditions of the treaty. Now, is it the right thing for us to do to-day to treat with one government by an absolute, by an unqualified repeal, as I may call it, of an article of the treaty, an abrogation of it, and to treat with another by asking that negotiations shall be entered into to terminate a treaty? The resolution was submitted to this body, and it met, I believe, the unanimous approbation of the Senate, and it was in these words; it was reported from the Committee on Foreign Relations:

That, in the judgment of the two Houses, the provisions of articles 18 and 21 of the treaty between the United States and the government of Great Britain, concluded on the 8th day of May, A. D. 1871, ought to be terminated at the earliest period consistent with the provisions of article 33 of the same treaty.

That sought, not to place a limitation upon those articles in the treaty, but it pointed out clearly and distinctly the channels of negotiation by which the object should be effected. Senators who hear me know what else is doing, to which I cannot allude. I may say, however, I think within the rules of the body appropriately, that I am advised—I see it stated in the public prints, I know it besides—that the House Committee on Foreign Affairs have agreed to adopt that resolution with an amendment making it operative now and providing that steps shall be taken to terminate that treaty as soon as practicable. The proposition may reach us in that shape, and if so I may have some words to say to satisfy the Senate that it is wise and just and expedient that we should adopt it, that it violates no national faith, and that if the government with which we negotiated that treaty is right it may well afford to terminate the provisions of those two articles in the treaty.

This is the practice; these are the precedents to which I refer, and they ought to guide us in the case before us. We may have the power; we may say that we will violate the article of the treaty with China that allows an unrestricted emigration of her citizens to this country; we may have the power to do it; but when we have done that, we have done that precisely which will bring in all human probability reprisals from that government upon us. John Chinaman is no fool, and I think this whole thing here is illustrated by that poem which has been so celebrated and with which we are so familiar and which was the production of Bret Harte in which he describes so graphically and teaches us a lesson so morally that when two Caucasians, Yankees if you please, undertook to cheat one Chinaman and were unsuccessful they were very much opposed to "Chinese cheap labor," because the one John Chinaman overreached the two Yankees. I think it teaches a moral that applies to this case.

I turn now to an examination of what has been said in this discussion in favor of the bill.

It has been said that this treaty has been violated on the part of China; that she has passed no law in conformity with the sixth article of the treaty, regulating the free emigration of her citizens to this country. I have only to say that that is simply a declaration. We have had no evidence of it here, none whatever. We have not been advised whether China has or has not passed the laws or ordinances or edicts of the empire required within the provisions of the treaty. I may say, then, that this was a simple declaration, a simple assumption upon which the argument is raised that we are released from our obligations under the treaty because China has not fulfilled her obligations.

Mr. President, all these general assumptions are erroneous, and I feel that I am authorized to state here and now that the Emperor of China did issue immediately, or very soon after the treaty was promulgated, his edict to the viceroynalties of the empire, enjoining against any and all forcible transportation of Chinese people to any foreign country or government.

Mr. MITCHELL. Has it been enforced?

Mr. HAMLIN. I will go further: and the penalty was made death whenever the laws should be violated. Not only this; the emperor has in some cases issued his edicts against transportation with the consent of the emigrants, when learning that misrepresentations of promised advantages led to the transportation of his people where they were badly treated; notably one case was against the transportation to Peru with their consent.

I have looked very carefully at the Revised Statutes of the United States, and I fail to find the first word of any law that we have passed to meet that obligation upon us which it is alleged the Chinese government have not complied with. Then we are the party derelict, and not the Chinese government.

It is alleged next that the Emperor of China having violated this provision, we are at liberty to apply any remedy which in our judgment we shall deem right, or in other words we are at liberty to apply the precise remedy named in this bill. The Emperor of China has done his duty more fully than we have done ours. He has complied with every term and letter of the articles of the treaty. We have not.

Now, is it expedient; and that brings me to the question, is it

right? It has been said that we can maintain no very considerable population in our midst who have not the right of suffrage. I am very sorry to say that I am inclined to concur very much in that proposition; and when I do so it is a reflection on our own Government, which I am indeed sorry to make. I regret that every man of every creed and of every clime may not come here, and obedient to the law and obeying it in all its parts, may not receive its protection.

But we do know from the condition of things in a certain portion of the country, that such is not the fact. We cannot wink it out of sight. In this connection was read a record from the Congressional Globe of certain Senators who had voted upon a certain question. I suppose if it had any pertinency it was to show their inconsistency on this question. The whole record was not read. If the whole of that record had been read it would have presented a different aspect to the Senate than the reading of a single vote. And it is affirmed that said vote referred to is a declaration that Chinese in this country are never to be allowed the rights of naturalization. Allow me to say, it means no such thing, it proves no such thing. Let us see.

It is true that our statute previous to that occasion had provided that none but white persons should be subject to naturalization. That was the old law. It got out in the revision, but under a general principle as it wrongfully went out it was put back, and after it had gotten back an amendment was moved to strike out the word "white." If the whole record had been read it would have been seen that a very decided majority of this body was in favor of striking out that word "white," myself among the number. It obtained; the amendment carried, but we know here that we sometimes seek to palliate that which we cannot overcome. A wise and skillful physician will do that; a wise and skillful legislator will do that. If he cannot accomplish all that he would like to accomplish, he will accomplish that which he can achieve.

The amendment striking "white" from the naturalization laws was adopted, myself voting for it. Subsequently at another stage I voted against the amendment, as did those who had previously voted with me for it. And why? It was upon a bill regulating elections. Then we were told in consultation that with that amendment attached the bill must fail. There was a greater good to be accomplished than this one thing; and to accomplish the greater good there were those of us who were willing to change our position, and we did change it, and we who had voted distinctly in favor of striking out the word "white," I believe I at one stage—I am stating my recollection now; I think the Congressional Globe will corroborate me—moved myself to reconsider the vote by which that amendment was adopted, stating in just so many words that my opinion had not changed, but as a matter of consultation the wisest thing to do, the best thing to do, (and in that I was sustained by the best men of the body,) was to pass the bill without that amendment. We came to the conclusion that then and there upon that bill was not the appropriate time or place to put that amendment, and for those considerations we voted to reconsider our action.

Mr. DAWES. Will the Senator allow me—

Mr. HAMLIN. If you please.

Mr. DAWES. The Senator yields to me while I read what was stated by him to the Senate when he moved the reconsideration which he subsequently withdrew:

Mr. HAMLIN. I desire to make a proposition, and if it is satisfactory to the Senate I shall be very glad. We have consumed a great deal of time. I see no end to this debate. I want to be practical. There are measures of pressing public importance that I think we ought to devote our attention to. Being a practical man, and seeing no more hope of carrying this amendment on this bill than in a separate bill, and in a separate measure by itself, while I am as distinctly in favor of it as I was on Saturday, if we can reach the question I will be very happy to move to reconsider the vote by which the Senate agreed to the amendment submitted by the Senator from Massachusetts; and I want to add that I think I have conferred with Senators enough to assure me that we constitute a majority of this body.

Mr. HAMLIN. That corresponds with my distinct recollection, and besides that I want to say distinctly—I have it in my memory as fresh as though it were this morning—that a leading consideration which operated upon my mind at that time, though it may have been wrong, was this: we have four million colored population that had come to us from a state of servitude, and it was a question wisely to be considered whether we would add then and at that same time another element and another class who were to be assimilated to us, who were to be educated, who were to understand the rights, who were to learn the duties that belonged to American citizenship, and I have a clear and distinct recollection that at that time in my mind, I thought we might postpone for a limited period when we would bring in the Chinaman and give to him the ballot. I therefore voted as I did, first from the consideration that it was an amendment that might as well be enacted as a measure by itself or upon some other bill, not endangering the passage of that bill, I gave the vote which I did. I know other Senators voted from the same considerations.

The record here presented is a record to show how men, for good reasons, sought to change and did change their position. I do not know how much force there was in it, but I remember to have seen as every Senator must have seen, at the date of this treaty, that it was proclaimed through the newspaper press of the land that this desirable thing of negotiating a treaty with China met the unanimous approval of the Senate; there was not a dissenting vote. Why do not men stand up to-day to what they chose to ratify then? I think at least if it is not an argument *ad captandum* it is an argu-

ment that fully refutes anything that can be drawn from the record of the Globe which has been read. I cannot say what that vote was, but every Senator can refer to the record and see whether the newspaper accounts were right or not; I do not say.

But, sir, I am a little inclined to think that I made a mistake in the vote to which attention has been drawn. I am a little inclined to think that if all the Chinamen in our land had the ballot in their hands to-day we should not have heard a word of this Chinese question here. I think that is a key to a solution of the whole question. I am willing to admit them to naturalization. I think all persons who come here to make their permanent home ought to participate in our Government, ought to be citizens, and ought to have the right of franchise conferred upon them. I voted for it once; I will vote for it again; and, I believe, Mr. President, that if you will treat these people upon the Pacific slope with common humanity they will assimilate, not, perhaps, as readily as other nationalities, to our institutions, but within a reasonable time.

The Senator from California has drawn a graphic and a revolting picture—he has done it before; he has done it truthfully, I doubt not—of the social condition of some of these Chinamen; but there are other social evils still more revolting upon which the genius of my friend from California could give us pictures even more shocking than those he has already drawn. Nor is there a class of immigrants coming to us from any nationality among whom you cannot find men in whom you may discover in person, in morals, in all the attributes almost that belong to humanity, as much to revolt us as that which belongs to the lower orders of the Chinese.

I am not going to tire the patience of the Senate by a discussion of the labor question. I have very clear ideas about it. Very much of this talk against "cheap labor" would apply with equal force against every improvement in your machinery. They tell you the Chinese consume nothing and work cheap. Well, the lady's sewing-machine, that she takes into her parlor and uses sometimes as a recreation and sometimes as a task, supplants the necessity of the sewing-maid and thereby diminishes the compensation or the rate of wages of the sewing-maid. Your reapers that traverse the vast fields and savannas of California, all your labor-saving machinery, indirectly, not as directly, affect the laborer. But my opinion is that this is a thing temporary in its nature. Treat the incoming immigrant as he ought to be treated, give him the protection of law, and make his home sacred to him, and my judgment is that it will require a very limited period of time in which to solve the whole problem. A man comes from a distant country where labor is lower than here; he does not adopt the lower scale of labor if he is skilled to occupy the higher grade, nor does it diminish the compensation of labor unless the supply is beyond the demand. But I insist that this labor in California of Chinese has advanced that State a century beyond where she would now be had she been deprived of it. What say the best men? Public opinion is divided; when you count numbers I concede it is largely against the Chinese population, but when you take the intelligent, the cool, the deliberate, and the Christian portion of that population, there is a very respectable minority in that State who tell you that the Chinese have built their railroads, have reclaimed their tule lands, and that uncounted millions of wealth have been added to that State which without the labor of the Chinese would not be in existence to-day. There are some of the best men in that State who tell us that they are a people observant of law, that they are cleanly in their habits, and that they are a desirable class of population as laborers. With all this diversity of opinion, I am not to be drawn into a minute discussion of the effect of the labor question there, because it can be but temporary.

There is another view of the question, Mr. President, broad and national, which addresses itself to the man of Maine, to the citizen of Louisiana, of Virginia, of Georgia, or of New York alike. It is the commercial aspect of this question in which we have an undivided and a common interest. We have a great deal said in these days about reviving the commerce of our country. There is here a great question of commercial intercourse, and it affects every State in this Union; it addresses itself to every man who would aid in bringing back the commerce of our country to what it was a few years since. Our importations and our exportations to China but a few years ago were limited to two or three millions of dollars. What are they to-day? Twenty-four million dollars. And of what do our exportations consist? A particular quality of the cotton goods of the North is finding an open market in China, and we exported to Hong-Kong, I think, during the last year very considerably exceeding two and a half million dollars in value of that fabric. We sent from the port of San Francisco alone more than a million dollars' worth of breadstuffs, showing that by commercial intercourse we are inducing the Chinese to take our flour in place of their rice.

Mr. EDMUNDS. That flour is grown on the fields of California.

Mr. HAMLIN. And that flour is grown upon the Pacific coast, produced, more or less, by "Chinese cheap labor!" As I said, our trade with China last year was about \$24,000,000, exports and imports. Let me give the figures of our exports alone to that country:

Exports to China for the years—	
1871.....	\$2,041,836
1872.....	2,915,465
1873.....	2,547,085
1874.....	2,078,565
1875.....	3,551,038
1876.....	4,715,115

1877.....	4,903,075
1878.....	6,850,931

Details of the exports to China from the United States, 1878.

Commodities.	Amount.
Cotton, manufactured.....	\$2,557,556
Breadstuffs.....	1,097,327
Quicksilver.....	780,323
Oils, mineral.....	695,394
Ginseng.....	454,037
Provisions, fish.....	270,061
Lead, manufactures of.....	256,168
Ordnance stores.....	109,013
Iron and steel, manufactures of.....	103,341
Clocks.....	48,826
Drugs.....	20,261
Coal.....	12,784
Furs.....	3,150
All other articles.....	440,690
Total merchandise.....	6,850,931

Let me say here that Chinese labor averages more to-day than is paid to the laborer in the State in which my colleague and myself reside. "Chinese cheap labor!" It is a canting cry, it is a cry addressed to the prejudices, not to the cool judgment of men. "Chinese cheap labor!" My colleague knows that I have been a manual laborer from my boyhood to this hour, and God knows that there can be no sympathy that man should possess that is not in my heart in favor of the productive labor of our country; but while I am thus in favor of that labor, I will not violate a great and a fundamental principle of my Government. We will welcome within its borders the native of every clime and of every country, and be he pagan or be he Hottentot, be he of this or of that creed, let us receive him here within the arms of a Christian civilization, that civilization which we believe to be the best on earth, the civilization of Christ, and if we cannot overcome paganism or any other ism in all the broad earth when we send missionaries to convert them, if we cannot overcome their system of government, their system of prejudices or religion or the want of religion, then when that shall be demonstrated it will be time enough to tell me that they shall not come here; and when I see in the great productive industries of the country that this labor as a whole produces wealth that otherwise would not be produced and that though an inequality exists it can be but brief in its existence, I have no fear of this talk about "cheap Chinese labor."

I see, Mr. President, a mighty country, an empire upon the Pacific; I look at its vast resources of soil, of forest, of mine, of water that rolls its way to its own vast ocean home unvexed by the utilizing hand of man. I want no vision to tell me what shall be that empire of commerce, of arts, and of agriculture that in the future shall arise upon that coast. I look beyond, and I see the mighty commerce that shall come from India to us if we are wise, if we do not do that which shall compel the Emperor of China to retaliate upon us and to make reprisals. Who believes that if we to-day shall determine that but fifteen Chinamen shall come to this country in each vessel from the Empire of China, he will not say but fifteen barrels of that flour which goes in uncounted thousands from California shall be the limit that shall be taken upon any vessel that traverses the Pacific to China? Who does not believe that if we place unnecessary and harassing restrictions upon the Chinese government, if we violate our plighted faith and national honor to them, they will not feel exonerated and retaliate upon us? Oh, I cannot bear to see a stop put to the untold millions of commerce that shall roll to our shores; I cannot bear to see that uncounted commerce that shall go from us to them interfered with. I can see how it shall stimulate the industries of our land, how it shall benefit the operative and the manufacturer alike, how it shall benefit the Government and the citizens, and I can see too how it may be obliterated or retarded or prevented.

We to-day who are against this bill are not against redressing every grievance that needs or rightfully demands redress; but the substitute submitted by the Senator from New York is not that we will without notice, not that we will without seeking negotiation, abruptly place a restriction upon that article in the treaty which amounts almost to inhibition, but it provides that we will give China an ample notice that the immigration article of the treaty is not satisfactory to us. It is not. We know it. We have passed and rightfully passed legislation very strict against coolly immigration. It does not exist to-day. There is not anything of it to-day. No Chinaman can come here to-day without the clear certificate of the consul at Hong-Kong, and nine hundred and ninety-nine out of every thousand that come here have come from the British port of Hong-Kong. There may be cases in which Chinamen have come from other ports; but they are sporadic.

Now, I confess very frankly that I have not any very great love for that amendment, but I will vote for it. I will vote for it because it gives a notice, because it invites a negotiation, it fixes a time within which negotiations must be had, or then we will consider the propriety of adopting legislative measures for the redress of any grievances which may be found to exist. I go a step further than I would willingly go, and I will do it because it is seeking redress in that direction which is right, it is seeking it through the channels of diplomacy; and when the day shall come that Congress shall seek

to negotiate your treaties, when they shall undertake to rescind single articles of treaties already existing, it will be a sad day for the Republic and for its best interests.

Mr. President, I may have talked incoherently somewhat. I have hardly had the time to systematize that which I proposed to say, and I have occupied more of the time of the Senate than it was my purpose to do; but I wish to say now that my action in this case is guided not by "glittering generalities" but by the fundamental principles on which our Government was founded, by which it has been administered, and which I would maintain as living principles. That constitutes, I think, the difference between the Senators who support and the Senators who oppose this bill.

I shall vote against the measure, and I leave that vote the last legacy to my children that they may esteem it the brightest act of my life.

Mr. EUSTIS. Mr. President—

Mr. HAMLIN. Will the Senator from Louisiana excuse me for a moment?

Mr. EUSTIS. Certainly.

Mr. HAMLIN. I send to the Secretary a paper printed in Sacramento, California. It contains the speech of a Mr. Stuart, who is a member of the constitutional convention of California. I wish two or three extracts to be read from it to corroborate the position which I have taken in regard to the character of that population there. The three extracts are marked.

The Secretary read as follows:

These men, after being invited to our shores, after building our railroads, clearing up our farms, reclaiming over one million acres of our swamp and overflowed land, planting our vineyards and our orchards, reaping the crops of the small and the needy farmers, gathering our fruits and berries, digging and sacking our potatoes, supplying our markets with the smaller kinds of fish from the sea, manufacturing our woolen and other goods, cleaning up the tailings of our hydraulic mines, scraping the bed-rock of our exhausted mining claims, and relieving most of the householders in this State of the household drudgery which would be imposed upon our wives and daughters, thus contributing to our happiness and true prosperity.

All, I say, will again be swallowed up in this maelstrom of blind rage and fury. It is complained that the Chinese are penurious in their diet and that they live on nothing but rice. The truth is, however, that they live here at a greater cost and have a greater variety of food in their ordinary repast than do most of their Caucasian enemies, and I dare say much better than they enjoyed in their native country. Of pork, poultry, fish, and vegetables they use large quantities and good, for which they pay high prices; also large quantities of American manufactured goods in the way of clothing, boots, shoes, and hats; and the general condition of health among them is far better in the country than among their Caucasian enemies. Seldom a day's work is lost on account of sickness. The care of their person and health is almost marvelous. Every night, after their work is done, and frequently before they eat their meal, each and all go through their ablutions from head to foot, and on Sundays their bathing and washing occupy nearly half the day.

I charge the city of San Francisco with cowardice in not protecting them in the exercise of their rights of "life, liberty, and the pursuit of happiness," which all men are guaranteed under our flag; while they have collected millions of dollars in taxes, licenses, and otherwise, yet they furnish them no protection in return. They pass cruel ordinances against them; they harass and annoy them through every device the law can invent; and why are similar outrages heaped upon them in nearly every county, town, village, or hamlet in this State? Tell me, tell me, oh, tell me, why they are not protected like others in their honest toil.

Mr. HAMLIN. I ought to have said that in the treatment of these men in California, while there are imposed on them in the city of San Francisco alone \$40,000 of taxes for schools, they will not allow a single pupil to the Chinese. More than three thousand Chinese resort to the Sunday-schools of the churches to obtain a knowledge of our language—denied to them in common schools. They tax them with a poll tax, and they tax them with a road tax, and they tax them with a tax upon their property. These are considerations, I think, which enter largely into the present condition of things there, showing the whole trouble to be one of prejudice of race, and not founded in principle.

Mr. SARGENT. There is not a tax levied on a Chinaman that is not levied on everybody else in California. The statistics show that the Chinamen pay \$12,000 less in tax into the treasury of the State than it costs to maintain their convicts at the State prison. In regard to the extracts from the speech of Mr. Stuart, I have no doubt there are persons in California, perhaps five hundred or a thousand, who entertain those notions. I will not take up the time of the Senate by replying to the abuse of California by Californians.

Mr. HAMLIN. Will my friend oblige me by stating how much school tax the Chinese pay and how many are in the schools?

Mr. SARGENT. The Chinese, as I showed in the speech I made last May, are not excluded from the schools. I showed it by quotations from the municipal reports of San Francisco. The tax they pay must be insignificant, for the amount they pay in San Francisco altogether only amounts to \$10,000.*

Mr. EUSTIS. Mr. President, I desire to say but a very few words to the Senate. Coming from a State where we have a race problem of no modified type, I feel it due to put in a plea on behalf of the white people of Louisiana. I feel the more justifiable, if any justification were necessary, by reason of the fact that I am surprised at the attitude which has been occupied by republicans on this Chinese question. I shall vote for the bill, although I believe the arguments which have been urged against its passage are overwhelming, except upon a single point, and that is the race question. I do not believe, nor would I for a moment be influenced to cast my vote in favor of

the abrogation of a treaty, where we invite another nation to send their people into our own country and then turn around and tell the very people whom we have invited into our own country under treaty stipulations that they shall not come into this country for the simple reason that they cheapen labor. I do not believe that such an argument would be addressed to France or England or any of the other great Christian states of Europe. Suppose that the French Canadians were to immigrate in large numbers into the State of Massachusetts, as they are doing to-day, and on account of their economical habits they could afford to live at a rate 50 per cent. cheaper than the American artisan; suppose on account of some great changes in the Republic of France a large immigration of French citizens should come into the State of Louisiana or into any other State, knowing as we do that they can live upon one-third what it costs the American operative or the American laborer to live, would any Senator undertake to legislate, to tell the French or English government that for that reason their citizens or their subjects shall no longer come to the United States? What cause of complaint is it to say that the Chinese eat rats? Is that any reason why a treaty should be abrogated. What cause of complaint is it to say that they eat rice; or what cause of complaint would it be on our part if they did not eat anything at all, which would be cheaper? What cause of complaint can the United States Government have that these people sleep six in a room?

Mr. RANDOLPH. Thirty-six.

Mr. EUSTIS. Thirty-six, my friend suggests. Suppose they do, is there anything in the treaty that regulates their diet or mode of sleeping. Suppose they choose to be buried in their own country, what ground of complaint is that? It is very disagreeable to be buried anywhere, but it is after all a matter of taste. My friend from California and myself know that a political burial is very disagreeable, although I believe in the resurrection of the dead. [Laughter.]

I say, Mr. President, that so far as my vote is concerned there has not been a single proposition advanced which should influence any Senator to take the position that after we have made a solemn treaty with a civilized nation we ought to abrogate that treaty on account of the habits of the people of that empire, of which we were perfectly cognizant in every particular at the very time that we made the treaty.

When it comes to the question of race, Mr. President, I confess that the Senator from California has touched a very tender and a very weak spot in my nature. He represents that the Anglo-Saxon race on the Pacific coast are to be engaged in a struggle with the Mongolian race; that the interests of society are to be affected; that we are to have turbulence, violence, anarchy, revolution, and bloodshed; and that there is no power or authority in the Government to suppress that violent exhibition of white human nature. We heard the Senator from Maine [Mr. BLAINE] state that in his opinion if this immigration was not checked in five years from now it would require the United States Army to preserve the peace, merely because the presence of this people is offensive, merely because contact with this alien race is offensive. The inferior race does not claim, as is the case in Louisiana, to exercise any political rights; they do not engage in any contest for political supremacy; they do not claim to enact your laws; they do not claim to administer justice to you; they do not claim to control every interest which society holds dear and every right and privilege to which man is attached; but simply on account of their presence in your midst the declaration is made in the Senate by republican leaders that you will have bloodshed and revolution.

Sir, one thing has struck me during this and other discussions. Whenever the question of race is between the Chinaman and the white man, all the denunciation is against the Chinaman; but when the problem of race is between the negro and the white man, all the denunciation is against the white man.

Mr. President, I will ask the Senator from Maine, if upon a mere apprehension of an increase of population of this race, if upon a mere dread that their numbers will be increased so as to equal the white race on the Pacific slope, and if the mere occurrence of the two races there should stimulate our pride of race, should intensify our pride and hatred of other races, should urge the white men to commit violence regardless of law and regardless of authority, why should he express surprise and indignation when a race which is not the equal of the Chinese race, a race that has no civilization, a race that has no literature, a race that has no statesmanship, a race that has no science, by the legislation of this country undertakes to control the white race and to govern it? When we Anglo-Saxons inhabit the same territory with the African race, and they have been invited by the legislation of the United States Government to engage in a struggle for political supremacy, I ask the Senator from Maine why should he be surprised that there should be occasionally a little violence or a little bloodshed in the State of Louisiana?

Sir, it is a very simple duty for the honorable Senator to arraign the white race of the State of Louisiana before the bar of public opinion and to condemn them. It is a very easy task for the honorable Senator from Maine to pass judgment upon that people, ignoring the fundamental causes, ignoring the provocation and the irritation which he acknowledges with reference to the Chinese race; but I ask him how would the people of Maine feel, and how would the people of Maine conduct elections if there was submitted to them either the African or the Chinese problem, I care not which, to the extent to which it has been done in the State of Louisiana and to the

* Mr. HAMLIN understands that the statutes of the State of California prohibit, in words, the attendance of Chinese children at the public schools.

extent to which it is apprehended it will be done in the State of California? Is there any test by which the honorable gentleman can express an opinion upon such a problem as that? Is there any guide? Consult history, Mr. President. Where is the example and where is the parallel? There have been civil wars and there have been foreign wars ever since the creation of man. We know what the results of war are. At a time in the early period of history the conquering people enslaved the conquered, but the conquerors were the superior race; but we know that history does not furnish and probably will never furnish a parallel or an example of the problem which has been submitted to the people of Louisiana; and that is a race struggle, a race contest for political supremacy which means the right of government, and which includes everything on the face of the earth—a problem which has never before been submitted to the statesmanship of any civilized country. I rise to do justice to the people of Louisiana. They have never, as I have heard republican Senators do to-day, threatened revolution, anarchy, and bloodshed; they have never, under the terrible conditions in which they have been placed with reference to their relation to the African race, made any threats of any kind. But the case is as was stated by the Senator from California, [Mr. BOOTH,] when he said:

Sir, we do not establish the distinctions of races, and we cannot obliterate them even by the most solemn political declarations. The laws of physical nature cannot be repealed even by acts of Congress. * * * The darkest passages of human history have been enacted when alien races have been brought in contact.

There has not been a word of charity, not an expression of the slightest indulgence, not even an allusion to the causes, not the slightest reference to the complications that led to the difficulties by which the people of Louisiana have been surrounded. The only expression of opinion that I have ever heard with reference to that great problem which is presented in a much more aggravated form there than the Chinese problem has been presented to the Pacific States, is simply a statement of results, and that so many people have been killed, and a reading of the statutes of the United States.

Mr. President, I am the last person to speak in defiance of any authority in this country. Far be it from my purpose even by any accidental expression or utterance of language to speak in any other spirit than entire submission to constituted authority; but this I will say, and history will justify me in making the declaration, that if the honorable Senator intends to draw a comparison between the two cases by stating that in the one case we have statutes and in the other case we have not, that in the case of the State of Louisiana those acts are a violation of laws, I grant it; if he says in the case of Louisiana those acts are a violation of statutes, I grant it; but I say that it is not within the power of any government to change the laws of human nature. You cannot make an Anglo-Saxon otherwise than God Almighty has made him. So far from there being any cause of complaint against the white people of Louisiana I say here in all candor, as well acquainted as I am with the disposition and with the situation of that people, considering the great conflicts and difficulties of the delicate race problem which has been submitted to them, that I can only express my amazement at their forbearance and at their law-abiding spirit. As I said before, we make no threats. On the contrary, we are trying to live in peace and in harmony with that race. We wish to improve their condition; we wish to give them all the benefits and advantages of good government and of education; we wish to elevate them and not to oppress them; we wish to make them feel contented and not to feel depressed; we wish that they should live in our midst, live with us, and that they should not be expelled from the territory, as it is proposed to do with reference to the Chinese. But at the same time we also claim justice; we also claim that it should be remembered that we belong to the white race; that we belong to that race which has been the most domineering, the most conquering, and the most civilizing race on the face of the globe—a race that in every clime and on every soil, wherever it has obtained a foothold, has always been impatient of restraint, has always been restless under restrictions, and has never failed to assert its supremacy and to be the governing race.

But apart from this race problem, does not the honorable Senator from Maine know that whenever there is a cause of popular discontent, whenever a great many minds among the people concur in believing that there is a wrong, from a thousand different causes, you will have violence and bloodshed. It was only last summer in the Dominion of Canada that that dominion was convulsed, that civil war was imminent, the military forces of the government were ordered out, and why? To state it superficially would be to state it in this way: because some people wanted to have a procession, and other people said they ought not to have it; but that was not the cause. The cause, Mr. President, was a religious sentiment. Although the honorable Senator and myself might not engage in any such fight as that, yet I have no doubt that people just as good as we are were engaged in it. I remember reading in history that when Spain acquired Louisiana there was a great riot, and why? Because the French people thought that they would have to suffer the awful infliction of drinking Spanish wine; and any one who knows anything about the two wines ought not to be surprised that their revolutionary instincts were aroused. [Laughter.] When I was a boy there was a riot in New York, because some people preferred one actor to another. I saw a portion of the German army mobilized a few years ago and sent to the city of Frankfurt-on-the-Main to suppress a riot in which

a great many people were killed, and what do you suppose was the cause of it? It was because the brewers advanced lager beer from three to four cents a glass. So, sir, you might discover a thousand causes that lead people to rise up when they believe they are oppressed by a grievance. Such was the case in the labor riots two years ago at the North. You will have riots, and you will have bloodshed; I do not undertake to prophesy to-day that to-morrow you may not have a riot in any part of the United States. I believe that if the people of the United States were to be suddenly deprived of any strong stimulant to which they are accustomed, for instance, drinking whisky or reading the fiery speeches of my friend from Maine, there would be a great many riots throughout the land. [Laughter.]

The Senator from Maine may say, "What! is this great Government to confess its infirmity and its impotency not to execute the laws of the land? Is it to make the admission that while statutes are upon the statute-book it is not within the power of the Government to punish the violators of the statutes?" My answer is a very simple one, and I find it much more easy to answer my own questions than when they are put to me. My answer is that this is not the first time that any great government—a government as strong as the Government of the United States—has had to confess that an experiment is a failure. History is full of such instances where governments have been obliged to recede from the positions which they have taken where there is a strong, united public sentiment against any system of laws or any policy of government. These causes have overthrown governments. As the French say, "*quand le peuple murmure*" look out for troubles and for revolutions.

Mr. President, as I said before, the white people of Louisiana, under the circumstances in which they have been placed, have shown themselves to be a law-abiding people. The remedy is with time. The remedy is to throw the responsibility upon them of the solution of this great problem, for they know full well that wherever there is violence, wherever there is disturbance, wherever there is bloodshed, wherever there is commotion, and wherever society is disturbed, prosperity is arrested and that the development of a country is checked. They understand perfectly well that peace and order and an equal and a just administration of the laws secure beneficial results to the people and to the Government. If I were in a position to give advice and counsel upon this great question, I would say that the Federal Government should repeal all the laws by which it interferes with the elections in the States, by which discriminations are made against the white people with reference to sitting upon juries practically. I would destroy the whole machinery by which Federal interference is exerted in the affairs of the State, because it only intensifies that race hatred which ought to be modified so that both races may be prosperous and contented.

Mr. BLAINE. I have heard nothing in the debate, Mr. President—I believe I have listened to nearly all of it—that could possibly give the honorable Senator from Louisiana a justification in saying that there was any defense made of outrages that might have been perpetrated in California toward the Chinese who are there. I think the human race on all continents would join in execrating any cruelty or injustice toward those foreigners who are in California in pursuance of treaty stipulations and who are entitled to the protection of the law. The Senator cannot adduce from anything that I said, and I think he cannot adduce from what any other Senator has said, any possible plea in behalf of any leniency that should be extended toward those in the South who abuse the colored race. The Senator from Louisiana forgets a great distinction in the matter. The colored race in Louisiana are differently related to us from the Chinese who have not yet left China. I beg the honorable Senator to observe that this legislation is aimed at the Chinese who have not yet left China. I beg him further to observe that the great majority of the colored race in Louisiana had rights there when his honored ancestry were living in New England. The problem is wholly different. If birth, if nativity, if long settlement, if domicile, gives any rights so far as Louisiana is concerned, the Senator himself is but a carpet-bagger of the second generation, and as compared with the negro he is eight generations behind them.

I do not disguise the race trouble that springs from the situation and surroundings of the negro. I spoke of it freely yesterday. There is a trouble, but that trouble is not to be healed by the remedy which I understand the honorable Senator from Louisiana to advocate, that national authority and the national protection shall be withdrawn, and that they shall be given up to what he calls the superior race. But I think the Senator errs in speaking of the Anglo-Saxon as especially in conflict with the negro in Louisiana. He is better versed in the history of Louisiana than I, but I have heard that a vast deal of the trouble in Louisiana came not from the Anglo-Saxon race, but from those descendants of the Latin race; and when he speaks of the Anglo-Saxon race he probably applies the term to the race which by numbers has the least right to dominate in the State of Louisiana.

Do not let us confuse the two. Let me admit the honorable Senator's argument to its full extent. Let me admit the race trouble of the South as strongly as he will paint it; and then I ask, with that before our eyes and imprinted on our history, to be dealt with in a future generation, whether we shall deliberately invite another race trouble of far more serious character? Do not let the Senator from Louisiana confound all distinctions of justice and all rules of logic by telling us that a negro whose ancestors have been here for nine

generations is to be treated by the laws of the United States as a cooly who wants to ship from Hong-Kong to our coast on the Pacific. We owe something to the negro. I will read a paragraph here which never can be read too often:

Yet if God wills that the war continue until all the wealth piled by the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid with another drawn with the sword, as was said three thousand years ago, so still it must be said, "the judgments of the Lord are true and righteous altogether."

Nothing truer or more sublime in diction was ever pronounced from the days of the prophet Ezekiel to the death of Abraham Lincoln. The Senator from Louisiana must not present the case as though the native-born American of African descent has no more rights to the protection of this nation than the swarming coolies of Shanghai and Tien-Tsin. It confounds all distinctions and ignores the whole point of the argument.

I regret that I do not see the junior Senator from Massachusetts [Mr. HOAR] in his seat. When I was absent from the Senate last night he made some remarks from which I read the following:

The argument of the Senators from California, and of the junior Senator from Maine, and the Senator from Nevada, is the old argument of the slaveholder and the tyrant over and over again with which the ears of the American people have been deafened and which they have overthrown.

I think here is another confounding of distinctions. I thought I was arguing for free labor against servile labor. The trouble in the South, in the era of slavery, was that there was an unequal partition of land. There were vast estates on which the slaves worked; and yet in all the opulence of the wealthiest days of slavery the largest plantations paled before the magnificent dukedoms of California on which coolies are imported to labor. When the Senator from Massachusetts says that I am using the language of the slaveholder he is arguing in favor of these grants of ten, twenty, forty, sixty, seventy, eighty, one hundred thousand acres, larger than some of the German principalities wrought and labored upon by cooly labor, contracted for before the consul signs the certificate at Hong-Kong, delivered according to order from the deck of the steamer; and to place American free labor against that is the old language of slave labor! It is a slight confounding of distinctions; that is all. I would say more if the honorable Senator from Massachusetts were in his seat.

My honorable colleague certainly will not think I mean anything, except the utmost kindness to him when I refer to the votes that were given on this question, especially when I say again, as I said yesterday, that had I been here I should have voted with him. But in the record of the case as read by the honorable Senator from Massachusetts the whole was not read. Pending the discussion of the naturalization question, the white amendment did come up, just as my colleague states. It was carried; a motion to reconsider was made just as my colleague states. At a later period of the same day instead of merely striking the word "white" out of the naturalization laws it came up in the form of an amendment to admit Africans to naturalization. For that my colleague voted; and disembarassed from all of the considerations to which my colleague has referred; then it was that Senator Trumbull moved to include "or persons born in the Chinese Empire." On that question the vote was given that I spoke of yesterday. So that the question came just as palpably, and as directly as it could come before the Senate, whether or not we would admit the Chinaman to citizenship in the United States. I repeat here to-day that the effect of that vote was adverse, and to be regarded as a settlement against Chinese immigration to this country on the simple ground that in a republic where suffrage is universal we cannot permit a large immigration of people who are not to be advanced to the franchise.

Mr. SARGENT. Mr. Morton voted the same way as the Senator from Maine, [Mr. HAMLIN], against their being made citizens.

Mr. BLAINE. My honorable colleague also referred to the fact, in speaking of this question being one of competition in labor, that the same competition was made in labor-saving machinery. I beg to differ from him, for the history of labor-saving machinery from the beginning, and especially under the magnificent progress which has been made since the steam-engine was invented, has been to continually advance labor. The price of free labor and the pay for it has risen steadily in the world just according to the development of the mechanical and scientific arts, by reason of the simple fact that if by an invention you decrease the number of laborers in one field you increase the want and require the development of labor in another field. I point to an unbroken history of two and a half centuries in which right alongside of the most splendid development of the inventive talent of any age the wages of the laborer have steadily advanced. I also point to the fact that nowhere on earth, nowhere beneath the heavens, has there ever been free labor brought in competition with any form of servile labor that the free labor did not come down to the level of servile labor. You may try it against the slave in the South in the ancient days; you may try it against the cooly in Peru; you may try it against the Chinaman in California; the universal result is the same thing. It is the lower strata that pull down the upper; it is not the upper that elevate the lower.

Mr. DAWES. Mr. President, I think no one can doubt the fact that the longer this debate continues the true philosophy of this legislation becomes more apparent. I think the Senator from Louisiana [Mr. EVERTS] has the right of it in holding those upon this side of the Chamber who support this legislation to answer what the dis-

tinction is between it and the argument which his friends claim to support the treatment which they extend toward that which they deem to be an inferior race. The whole argument in support of this bill is that there comes in under a treaty an inferior civilization with which the civilization of Christianity is unable to contend, and to which it must surrender. There is no distinction between that argument and the argument which the Senator from Louisiana and those who believe with him urge in justification of the laws which they have enacted and of the treatment which they justify since those laws had been repeated toward a race which they hold in precisely the same esteem that those hold this race of Mongolians who are supporting and urging the necessity of this legislation.

My friend from Maine in front of me [Mr. BLAINE] talks as if it were a justification of this legislation that we are opposed to the importation of coolies and cooly labor. It is not necessary to repeal these articles of the treaty in order to prevent the importation of coolies. The articles themselves condemn the importation of coolies, and call upon both governments to put down that importation. Yet the Senator from Maine proposes to annul by a statute the very articles which prevent the importation of coolies. So far as I know, and so far as this debate discloses, there has been no importation of coolies under this treaty or to any extent since its ratification. It is not coolies, it is men who live on rice, it is men who work cheaply and patiently and constantly, and do not trouble themselves about political matters, who confine themselves to the industries to which they are called, who are in the way. It is because they have no other place in our history and no other function under our legislation than to attend to these duties that they are in the way and call down this hostile legislation upon their heads. Had they been clothed with the functions of voters, as the senior Senator from Maine [Mr. HAMLIN] has said, what a different treatment would they have received from the beginning! In that case my friend from Maine [Mr. BLAINE] would have been I trust just as loud in vindication of their rights as voters as he is in his vindication of other voters suppressed in the exercise of those rights by those who claim that they are an inferior race, and should be governed by the superior Anglo-Saxon race in that section, which here in another section of this country claims the right to subordinate if not exclude this inferior race.

My friend from Maine says that the Senator from Louisiana must not confuse this question. I fear that the Senator from Louisiana is not the only person in this country who will fall into the same inability to distinguish between his line of argument and that of my friend from Maine. It is something beside the question of free labor; it is the question of the right of manhood to live and breathe, and walk the surface of the earth, be he a negro or be he a Mongolian. If he has not an ability to participate in the functions of our Government, it is not his fault. We can provide for his naturalization, if we have not already done so, in an hour; and it is no justification of the treatment that he is receiving every day to say that we have also failed to give him those political rights which we have given to others.

Sir, the government of this country is not a government of make-shifts, a government that applies its doctrines in one part of the nation and disregards and tramples them down in another. Its glory and its boast is, and the demand of those who believe in it should be, that it is of universal application; that it applies to man and manhood; that under its provisions and under its institutions man, of whatever clime or whatever color, can work out for himself, if left alone, that manhood upon which its principles are based. The Senator from Louisiana claims the benefit of this doctrine to-day in his justification. The Senator from Maine already, before the bill is passed, takes alarm, and with good reason, lest the country should fail to distinguish between the warfare which I regret to say I find him enlisted in and the warfare in which the Senator from Louisiana is engaged, each against a race which he esteems to be unsafe in this community and among this people of Anglo-Saxons, each depicting in his way and according to his understanding of the fact and the peril the same evil and the same consequences.

I have lived through one warfare upon foreigners in this country. I remember when there swept over this nation a cry against a particular portion of foreigners on this side of the continent, coming in, as it was represented, in a vast stream, overwhelming the Anglo-Saxons upon this continent. It swept over the country like a whirlwind, but it passed away as soon; and the wrecks of politicians stranded upon the wayside ought to be a sufficient warning to men who look to makeshifts and applications of this principle to one section and one class of foreigners that they are not willing to apply to any other race.

There is something fundamental in this Government. There is something in it of such innate life and power that it is able to prevail and will prevail. However temporarily we shall feel it necessary to yield to its opponents and for expediency's sake feel for the time that we should give up the application of these principles, the time will come when they will prevail, and they will march on. Interrupted it may be from time to time by obstacles thrown in the way by those who are unwilling to abide the working out of this principle, yet it will move on, and it will move on to its final triumph, and that will be reached when all humanity, from whatever nation it may come, shall find an asylum under our flag and upon our soil, and when every man who conforms to our laws can appeal with confidence to the flag of this country for his protection.

My colleague who is not here [Mr. HOAR] spoke truly last night when he said the advocates of this bill were taking up the language of the slaveholder and those who were attempting to hold the black man in subjection as an inferior race. The debate to-day has demonstrated the truth of that remark. Those who my friend from Maine and myself feel have had a great wrong done them in one section of this country, a race not yet brought up in intellect and in force of character and will to the high standard of the Anglo-Saxon, are crippled, mortified, dejected that in the house of our friends the principles upon which this grand contest has hitherto been maintained are receiving wounds that will be a long time in healing, but that will be healed; for the time will come when we shall all see eye to eye, and shall understand that every man in his sphere, the humblest in his, the highest in his, each shall enjoy what this treaty, drawing its inspiration from the Declaration of Independence, has declared is the God-given right of every man on the face of this globe, to freely exchange his home and his country without let or hindrance. Whatever that adverse doctrine may be, if it must needs be set up, I pray God it may not come from those who boast of the free privileges and rights of American citizens. Let some one else maintain that doctrine and strike that blow; but let it not come here, in this year of our Lord, on American soil, and from that political association that had its origin in a great contest to maintain the rights of man wherever he lived and whatever his color or his capacity might be.

Mr. BLAINE. Before the Senator sits down I should like to understand whether he is in favor of the amendment offered in the nature of a substitute as against the bill?

Mr. DAWES. I have no hesitation in saying that I shall vote for that substitute as a measure to be preferred to the original bill, and then I shall vote against the whole measure.

Mr. BLAINE. I was going to say that the amendment which is pending reads:

That the President of the United States is hereby requested immediately to give notice to the Emperor of China that so much of the existing treaty between the United States and China as permits the migration of subjects of the Chinese Empire and their domicile in this country is unsatisfactory to the Government of the United States and, in its judgment, pernicious, and to propose such modifications of said treaty as will correct the evils complained of; said modifications to be made in a new or supplemental treaty to be submitted to the Senate of the United States on or before the 1st day of January, 1880. Should the government of China refuse or omit to agree by a change of the existing treaty to such modifications as aforesaid, then the President of the United States is further requested, and he is authorized, to inform the Emperor of China—

He is to ask the Emperor if he is willing. He says he is not. Then the President is requested, "and he is authorized, to inform the Emperor of China"—

that the United States will proceed by laws of its own to regulate or prevent the migration or importation to its shores of the subjects of China, and after the 1st of January, 1880, to treat the obnoxious stipulations as at an end.

Does the honorable Senator see much difference between that and the pending bill?

Mr. DAWES. If the Senator will allow me, not a great deal. What there is of difference in it is this: the amendment proposes to treat with the Emperor of China before you strike him. I do not propose to strike him at all. When the treaty that you propose to break yourselves was made, as was said by the senior Senator from Maine [Mr. HAMLIN] there was not only in this body no man who raised his voice against it, but there was no man in the nation who was audibly heard against it. The embassy that came here to treat for it was received with banners flying and with feasting and with speeches and glorification, not the least upon the Pacific coast itself.

When I was in California there was pointed out to me a magnificent baronial estate purchased there for Mr. Burlingame after he should have come back as the ambassador from China, in testimony of their personal regard and esteem for him.

Mr. SARGENT. Will the Senator allow me? I do not know that he may not have had the estate pointed out to him; but I know that Mr. Burlingame bought it with his own money, and he consulted with me as to the title to the land, and wanted to know of me whether I thought he would make any money by the purchase or not.

Mr. DAWES. The man who held the title of it pointed it out to me himself, and told me that he held that title for Mr. Burlingame, and that it had been purchased to save it for him, to make for him a home there in California when he had worked out this mission of opening this country and the kingdoms of Europe to the Chinese.

Mr. SARGENT. I am afraid they played a traveler's trick on my friend from Massachusetts.

Mr. DAWES. Mr. Burlingame, however, died without ever coming back to California to receive the plaudits of that community.

But, sir, I need say nothing about the way in which Mr. Burlingame was received in California. Here in this Capitol the distinguished Senator from Maine, [Mr. BLAINE,] if I forget not, pronounced from the Speaker's desk in the Hall of the House of Representatives, as the voice of the nation, a welcome to that embassy. I know that the nation itself pronounced the work a great and wonderful work. What has wrought this change? The immigration of Chinese to California was as great before this treaty as it has been since. The cool trade in point of fact has disappeared. This opposition springs from that prejudice described by the Senator from Louisiana against race, a prejudice which I supposed the principles of the Declaration of Independence and of the Constitution of the

United States were at war with. The political organization which I am proud to belong to, I supposed, was summoned into existence for the very purpose of vindicating the equality of the human race upon this continent in all political rights. If the Senator from Maine will permit me, I do not wonder that men are being confused by these arguments. They will find more trouble to reconcile them than the Senator from Louisiana, for the Senator from Louisiana clearly sees the logic of this debate.

Mr. EUSTIS. Mr. President, I simply desire to state that I did not reply to the Senator from Maine [Mr. BLAINE] because he appeared to purposely refrain from noticing any of the arguments which I advanced. Whether or not they are unanswerable, I leave to his own judgment. With reference to being a carpet-bagger, I think I have one advantage over the Senator from Maine, and that is that I am a native of the State which I have the honor in part to represent while he is not a native of the State which he represents with so much distinction.

Mr. BLAINE. At the same time the Senator from Maine has never complained about immigrants coming into his State, while I am afraid the Senator from Louisiana could not show quite so good a record on that point for himself. If the same prejudice which the Senator has endeavored to instill upon others had been visited upon him, he would not to-day be filling with such grace as he does the Senatorship from Louisiana.

Mr. DAVIS, of Illinois. Mr. President, I do not rise to make a speech upon this subject. It has been discussed very elaborately; I could add nothing new to the discussion; and it is not to my taste to restate arguments that have been advanced by other Senators. I simply rise to explain the vote I shall give on this subject.

I am in favor of abrogating that portion of the treaty with China which allows unrestricted emigration, believing that it is a severe grievance to our friends on the Pacific coast, and that it is better, all things considered, that the treaty should be modified in that particular. I believe the treaty as a whole is exceedingly beneficial to this Government.

Although Congress has the power, according to the decisions of the Supreme Court, to abrogate this treaty by an act of Congress, I do not think that it is right to do so. I would treat the Chinese government as I would treat the British government or the French government or any other civilized and Christian government in the world. I do not think there is any person within the sound of my voice who would say that if any treaty with Great Britain had been negotiated upon this general subject, or if a treaty had been made with any other government in the world, he would be in favor of abrogating it in this way; and what harm is there in a short delay? Those of us who are opposed to this bill prefer that we should give notice to the Chinese government properly that we desire that this unrestricted emigration should cease. That is the object of the amendment of the Senator from New York; and if the Chinese government do not accede to our wishes upon that subject it is to be accompanied with a declaration that we will then see that that emigration ceases by our own action. Is there anything wrong in that? Can we stand before the nations of the world and take any other position correctly. It seems to me not, Mr. President; and it is for that reason that I shall vote for the amendment of the Senator from New York and against the bill.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York, [Mr. CONKLING,] on which the yeas and nays have been ordered.

Mr. COCKRELL. Let it be reported.

The VICE-PRESIDENT. The amendment will be again reported. The amendment was read.

The Secretary called the roll on the amendment.

Mr. WADLEIGH, (after having voted "yea.") I have just been reminded by the Senator from California [Mr. BOOTH] of a conversation which I had with the Senator from Colorado [Mr. CHAFFEE] in reference to a pair. I did not understand the pair to extend to to-day, but inasmuch as it is probable that the Senator from Colorado so intended it, I will withdraw my vote.

Mr. TELLER. I desire to say that my colleague was here, but was compelled to leave the Chamber on account of sickness. I think he understood that he was paired.

Mr. WADLEIGH. That being the case I withdraw my vote. I am in favor of the amendment of the Senator from New York, and should vote for it if the Senator from Colorado were present.

The result was announced—yeas 31, nays 34; as follows:

YEAS—31.

Anthony,	Davis of Illinois,	Howe,	Merrimon,
Bruce,	Dawes,	Jones of Florida,	Morrill,
Burnside,	Edmunds,	Kernan,	Oglesby,
Butler,	Ferry,	McCreery,	Randolph,
Cameron of Wis.,	Garland,	McMillan,	Rollins,
Cockrell,	Hamlin,	McPherson,	Saunders,
Conkling,	Hill,	Matthews,	Withers,
Conover,	Hoar,	Maxey,	

NAYS—34.

Allison,	Booth,	Eustis,	Kirkwood,
Bailey,	Cameron of Pa.,	Gordon,	Lamar,
Barnum,	Coke,	Grover,	McDonald,
Bayard,	Dennis,	Hereford,	Mitchell,
Beck,	Dorsey,	Ingalls,	Morgan,
Blaine,	Eaton,	Jones of Nevada,	Patterson,

Plumb,
Ransom,
Sargent,

Sharon,
Spencer,
Teller,

Thurman,
Voorhees,
Wallace,

Wisdom.

ABSENT—10.

Chaffee,
Davis of W. Va.,
Harris,

Johnston,
Kellogg,
Paddock,

Saulsbury,
Shields,
Wadleigh,

Whyte.

So the amendment was rejected.

Mr. MORRILL. I rise to propose the following amendment, to come in at the end of section 6:

Or to persons who may only seek a temporary residence for educational purposes.

I merely desire to say that there are a considerable number of both Chinese and Japanese who are coming to the United States for the purpose of acquiring an education at our higher seminaries of learning. I suppose that there cannot be any objection on the part of any one to allowing those persons to avail themselves of the educational privileges of the United States.

Mr. SARGENT. I want to say about ten words in reference to that amendment. The bill is worth nothing with that in it, and the Senator who votes it in can vote with his eyes open. The theory of this bill is that a vessel shall not bring more than fifteen persons of this character to the United States unless they are connected with the Chinese government or an embassy. Every cooly who comes comes under contract for temporary purposes, and only for temporary purposes. This amendment says if he comes for temporary purposes he may come for any purpose, a thousand on a vessel. It says that if he comes for school purposes he may come in any quantity whatever. Every one of them will come for school purposes, and how are you going to detect it until they land and mix with the population? How are you going to enforce the provision? Are you going back to libel the vessel when six months after these persons have landed it is found they have not gone to school at all? The persons who come to eastern educational institutions are sent by the Chinese government; they are connected with the Chinese government. I am perfectly willing the bill shall be amended so as to provide that any person sent by the Chinese government for the purposes of education may come. Any apt language which will not destroy the very heart of the bill I am perfectly willing to insert; but I do not assent to an amendment specious in its character, and perhaps having a good object—for I do not impeach the object—under which practically any enforcement of the bill will be impossible. With such a provision I can see plainly it will be impossible to get any conviction for bringing in any number of persons under the bill. The coolies who come are all between the ages of sixteen and twenty-two, very rarely over the latter age, the large majority under it. They will come apparently for our school advantage. There will be nothing to contravene their declaration—though they come by fifteen hundred in a vessel, crowding it as they do now—that they come for school purposes. This is very plain and obvious. If the Senator will adopt language which will not destroy the whole bill and will accomplish this object I have no objection; but as the amendment stands it does do that, and it is only another mode of destroying the bill.

Mr. MORRILL. My sole purpose was to give an opportunity for those persons to come who I know come here in order to get a higher education. I am by no means sure that the government of China are in the habit of sending all here who so desire. I suppose they only send those for whom they desire to have an education fitting them for governmental purposes at home. Now, if there are others and a much larger class who desire to come here and obtain an American education, I think they ought not to be excluded, and I do not think there is any difficulty at all in the provision as worded. It provides for those who come here only temporarily and for this purpose.

Surely an objection might be made to the section that has been introduced by the Senator from California himself. Suppose a vessel were to be merely beached upon the shore. That would be a shipwreck, and all on board then might come into the country. Of course it is possible that there may be evasions of any law that may be enacted; and yet I think the general purpose of this provision is such that there could be no difficulty at all about its administration.

Mr. SARGENT. I move to amend the amendment. I know that one method of beating a bill is by putting on an amendment that will make it of no value. I have no idea my friend from Vermont will vote for this bill if this amendment is adopted, and he does not deny that. He certainly will not vote for the bill even if the amendment is adopted. I am willing that persons who come in good faith for this purpose shall receive a higher education in any institution which California has. I do not wish to oppose the object; but I do not, in assenting to the object, desire that the purpose of the bill shall be destroyed. It will be very easy for every one of them to have a certificate from his own authorities that he comes for this purpose; and if so, he can come in. Therefore I move to amend by adding the words—

And who have a certificate from the Chinese government for that purpose.

That is, that they come for educational purposes. That certificate certainly can be very easily obtained. I move the amendment, and that will answer the purpose of the Senator.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California to the amendment of the Senator from Vermont.

Mr. EDMUNDS. Let it be reported.

The VICE-PRESIDENT. It will be read.

The SECRETARY. It is proposed to add to the amendment:

And who shall have a certificate from the Chinese government for that purpose.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. EDMUNDS. Mr. President, I move to amend the bill by adding the following section:

That the United States hereby recognize a reciprocal right and power in the government of China to regulate, as far as its own dominions are concerned, intercourse between the two countries according to its own sense of propriety notwithstanding existing treaties with the United States; and the President is hereby requested to communicate a copy of this act to the Chinese government.

Mr. SARGENT. I do not know that there is any objection to that. I believe that power inheres in every government by virtue of its sovereignty, and it cannot be yielded unless it yields the right of self-defense, which is the right we are exercising to-day, and that declaration is the sanction of the exercise of it we make to-day.

Mr. EDMUNDS. If this bill is to go, as it evidently is, it goes by an *ex parte* abrogation, as a matter of right, according to our own sense of propriety, of the provisions of this treaty. Now I wish to declare and to inform the Chinese government that we shall not regard it as a case of war if she in the exercise of the same sovereign right chooses to make other changes of the treaty so far as she is concerned.

Mr. EATON. I appeal to my friend from California; I would not accept this amendment. Let us take care of our own business and let the Emperor of China manage his as he may deem best. I do not think we had better take his part here.

Mr. SARGENT. I have no power to accept the amendment; I only express my own view.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS and Mr. MATTHEWS called for the yeas and nays, and they were ordered.

Mr. THURMAN. I am afraid the language of the amendment is too broad, "intercourse between the two countries." This bill does not prohibit, should it become a law, intercourse between China and the United States.

Mr. EDMUNDS. It regulates it.

Mr. THURMAN. It regulates it, it is true, but it is aimed at the migration of Chinese to the United States to become domiciled here. That is the object of the bill. That has nothing to do with trade and commerce between the two countries. It seems to me that the amendment is too broad, that it is an invitation to China to put a stop to all intercourse between the two countries if China see fit to do it.

If the amendment were limited to the migration of Americans to China as this bill is leveled at the migration of Chinese to America, then I should not see any particular objection to it, although I should not think it necessary; but it is so broad that it looks to me like saying to the government of China, "If, on account of our prohibiting the migration of Chinese to this country in greater numbers than fifteen in any one vessel, you see fit to cut off all commercial intercourse between China and America, we recognize your right to do it, and we will not complain." I do not think we ought to do that.

Mr. EDMUNDS. Mr. President, if the United States, upon principles of international justice and honor and fair play and public law, has the right of its own will, without consultation with the other party, to repeal one part of this treaty, then I respectfully submit that we have a right to repeal any other part of the treaty if we think it proper. There can be no doubt, I take it, about that. I add to that, that if one party to a treaty has that right, the other party has it, and it has it of right; and if so China has no business to make war against us or to complain of our conduct; and the gentlemen who support this bill say she has not, on account of our doing this thing. Then I wish to declare that while we are repealing a part of the treaty we recognize her right to repeal any part of it which she may think convenient to her interest and her own sense of propriety. If we are two distinct and independent nations and one of us has a right because we do not like one of the provisions of the treaty to say at once, we will not have it any more, by a sheer act of our will, without any of the acts of intercourse and negotiation and diplomacy that might lead to a better understanding and to better action, then I wish to say to that nation, and particularly to that nation, that we recognize her right to do the same thing according to her own sense of propriety, and that we shall not regard it as an act of hostility that will require the President of the United States to send the Army and the Navy there to reduce her to obedience to her treaty obligations.

Mr. SARGENT. So far as the amendment announces a principle, I agree with it entirely. A nation has the right of self-defense. It is so alleged by all writers on international law. It is so laid down by Hamilton in the discussions that accompanied the adoption of the Constitution of the United States, wherein he claimed it for the United States. I have no doubt that the power resides in Congress. Congress is the authority to exercise it so far as the United States is concerned; and there must be an appropriate power in the government of China to do the same thing. But when a nation exercises this right of self-defense it takes the consequences. It prefers to protect itself by a certain course of conduct. If thereby it renders itself

liable to certain action by the government against whom it protects itself it takes the consequences of such a result. This amendment does not say that we will not declare war against China provided it shall burn our ships or provided she shall molest our citizens. It does not say that; it does not suggest it; and it would be a spirit of devilishness if it suggested anything of the kind to endeavor to stir up the government of China to commit outrages on our flag or on our people. It does not say that. It is more decent than that. To say that the government of China has the right to exercise in its own behalf that which we exercise for ourselves is not objectionable in principle. For that reason I have not objected to the amendment. I do not think, however, that it adds anything to the bill; I do not think it is intended to add anything to the bill; and it is not at all necessary for us to assure the government of China that it has its rights. I doubt if they would come to us and look at our statutes to know the measure of their rights. No government on earth would do that. If it desires information on such matters, it can go to the same sources to which we go for information as to our international rights. It is not necessary to accompany this bill by a declaration upon the rights which China has in reserve either in the way of self-defense or otherwise. For that reason and from the mere fact that it cumbers the bill, I do not think the amendment ought to be adopted.

Mr. THURMAN. I wish to say a word more. The remarks of the Senator from Vermont verify my understanding of his amendment, and I trust the Senator from California will by no means agree to putting that amendment upon the bill.

As I remarked when I was up before, this is not saying to the Emperor of China "we would not take offense at your adopting by a decree such a provision as we have adopted in regard to Chinese subjects, regulating the migration of American citizens to China, as we by this bill regulate the immigration of Chinese subjects to America." That is not this amendment at all; but this amendment is in effect saying if China shall stop all commercial intercourse between the United States and China we will not take offense. Nobody denies the right of China to abrogate the treaty as fully as we have the right to abrogate it; but every nation that abrogates a treaty does it under responsibility, and I for one am not willing to say that China would be justified, by the passage of this bill, in putting an end to all commercial intercourse between us and that empire; that she could shut her ports, the free ports, five of them I believe there are, which are now by treaty open not only to us but to France and Germany and England, and I do not know but to the whole world; that she can shut them against us, keep our merchants and our ships out of them and find a justification in the passage of this bill, which simply seeks to regulate who shall become denizens and residents in the United States. I shall never agree that she would be justified in stopping her ports in that way on account of such a bill as this, and I am not willing, therefore, to say to her in advance, in fact to invite her in advance to break off all commercial intercourse and go back to her policy which existed before her ports were opened at the mouth of the cannon, and shut out the American at least from all intercourse with China. This is an invitation to her to do that thing. I am opposed to it.

Mr. EDMUNDS. I am very glad to have heard the remarks of the Senator from Ohio. He has a little misunderstood the amendment. The amendment says that we hereby make a solemn public declaration while we are abrogating this treaty by a regulation of intercourse, that China has the same right to regulate intercourse with us notwithstanding the treaty. We are not speaking of her rights under public law, be they much or be they little, but we are speaking of a supposed infraction of this treaty by China. If she turns around after this law goes into effect and she is informed of it and says "we must have a similar provision in respect of passengers coming from American ports in any vessels and arriving from there; there shall not be more than fifteen Americans on any vessel because the Americans who get into China, a good many of them do a great deal of mischief in a great variety of ways;" "their manners," the Chinese will say "are not our manners, their civilization is not our civilization, their morals are not our morals, and it will entirely upset our notions of the best way of governing our own people and protecting them if we allow the introduction of this barbarian element from the east," as it is east to her. That is exactly the ground on which this bill goes as to the United States, if I correctly understand it. When I am breaking this treaty in this way, putting an end to it, I wish to say to her by a declaration, that we recognize the reciprocal right, as the amendment states it, of her regulating the intercourse of her people with the United States and of the United States with her dominions, so far as her own dominions are concerned, according to her own sense of what is right, notwithstanding the treaty.

Mr. MORRILL. We will not go to war with her if she does the same thing.

Mr. EDMUNDS. That is the point, that we shall not regard a violation of this treaty by her in changing her policy in respect where she is now bound, as a wrong of which we have a right to complain. In other words, when we undertake to go back upon one part of the treaty, I propose that we shall tell her, as the corresponding power, that we recognize a similar right in her to retrace her steps in respect of other parts of it. It is not the question of what upon principles of public law and general civilization a nation may do, but it is the question of this Senate being called upon to say, as it is, that it as a

part of the law-making power has a right to abrogate a section of a treaty with China that it does not happen to like, to accompany that with a declaration to the other party that we recognize the same right in her.

Mr. HEREFORD. It strikes me that this amendment is a very mischievous amendment, not only to this bill but to the future intercourse between this country and China. It is pregnant with a great deal of evil, and if it should be attached to this bill, in my view of the case we then shall hear from those who are opposed to the passage of the bill this argument, which is the true one too, for that is what it means: you by this amendment invite China to close all five ports against our country, and not even, if she chooses, to let us enter those ports in stress of weather. Furthermore by virtue of the amendment China is invited to expel every American citizen upon her soil to-day, and drive therefrom those who are engaged in merchandise, in commerce, or in missionary work; it makes no difference what kind of business they may be engaged in. This is an invitation to China to drive them out; not only an acquiescence, a consent in advance to it, but by the peculiar language it means an invitation to China to drive them out; and when that is once in the bill my view of it is it will be so argued by those who are opposed to the passage of it.

Mr. MATTHEWS. Mr. President,* I shall vote for this amendment, because, among other things, it develops the fact that there are some other people in this country who are interested in this question of Chinese immigration besides the citizens who dwell on the Pacific coast, and there are some people in the country to be conciliated otherwise than sand-lot orators and hoodlums. It develops the idea in the first place that the commerce of this nation is at stake. Now this country and Government and that of China regulate their relations simply by their treaty obligations, or else they are under the government of public law. We cannot justify the act of legislation proposed in the bill as it stands, either by the treaty which it expressly violates or by the principles of public law which is also a denial of the right; and we ought not to conceal from ourselves nor from our constituents, the whole country, that this act of legislation, if it passes into law, is not to be without other consequences than those which are directly involved in its enactment. We are not to disguise or conceal the fact that it is likely to be met in a spirit of retaliation by the exercise by that government of a power which, if we pass such a law, we are estopped from denying.

The Senator from California appeals to the law of national self-preservation, and he constitutes each nation a judge for itself upon its own peril of what measures are essential to its safety. May not the Emperor of China, taught by the example of this law, if it be a law, well say that if the intercourse between that people and this is to be forbidden according to the terms of this act, it is none the less obligatory upon him to exercise his right as an independent sovereign to do the very thing which gentlemen on the other side now begin to deprecate, and that is that inasmuch as we alone among all civilized nations discriminate against Chinese immigrants he shall commence a series of discriminating acts against us and in favor of other nations so as that he will close his ports against our ships and banish from his country our merchants and our missionaries. And while, therefore, we assert the right to do what we propose in this bill, it is only common justice to the party with whom we are dealing to let him know in advance that the exercise of a reciprocal right on his part will not be regarded by us as a breach of the treaty, which we have already set aside, or a violation of a public law that we no longer regard.

Mr. MAXEY. Mr. President, I voted for the amendment offered by the Senator from New York because I was unwilling to set aside all the precedents known among the civilized nations of the earth so far back as the history of treaties sheds light on the question. I did not believe it prudent, without notice or without a declaration of war, to declare by act of Congress that a portion of a solemn treaty, entered into under the forms known to treaties and to the law of nations, should be abrogated. I believe that if a portion of this treaty is so pernicious as the fifth and sixth articles undoubtedly are, and there is no plan laid down in the treaty itself, as there is not in this, for abrogating it upon notice after a specified time, we should give a reasonable notice; and if the Chinese government fail and neglect to enter into further negotiations for abrogating the articles complained of, we would then be justified in the eyes of the world in setting the treaty aside by act of Congress. For that reason I believed that it was sound policy, as well as compliance with the comity of nations, to pursue the course indicated by the amendment rather than that indicated by the bill. It was not because I did not sympathize with the Senator from California and those who act with him in this matter, (for I indorse the object sought to be attained;) for it is true that this great overburdened human hive of China is disgorging its excess upon the Pacific slope, and may, in the progress of time—and, I fear, will—cross the Rocky Mountains and settle down all over this country, for already the law of migration from east to west, in force since man began to multiply, appears reversed, and a constantly increasing stream is pouring in on our Pacific slope and spreading east, and, I fear, is destined to cross the mountains and settle down upon the older States. The supply is illimitable; and I do believe that there is no portion of this Union where Chinese immigration would be so fatal to human

progress and to human civilization as in the country where I live. We there have the Anglo-Saxon race and Ethiopian living side by side, speaking the same language, and accustomed to each other. The negro race has been elevated by contact—association with the southern white man—from a condition of savagery, in which they were when they were brought to this country, into a condition of comparative civilization and enlightenment.

They have been made what they are by the stronger and more intellectual and progressive white man. By the influence, example, and encouragement of Southern white people the negro to-day is rapidly advancing in the scale of civilization. They are moving side by side harmoniously, having mutual interests and mutually aiding each other, and it is to the interest of both that no disturbing element should be introduced to mar this harmony.

Now, if you admit into that country this Chinese population, they, with their joss gods, with their opium-smoking habits, with their superstitions, and with their gambling and filth, will break down that inferior race now in the South rather than build it up. So I believe, and while I voted for the amendment of the Senator from New York I did so with a full knowledge that this might be the effect if a stop were not put in some mode and manner to this Chinese immigration. But that amendment sets aside these pernicious articles in January next, in the mean time giving notice, instead of in July next without notice, and I did not believe the difference of a few months would justify this harsh and unusual mode of abrogating a treaty.

Sir, I cannot forget that I was taught that a treaty is a solemn league or compact. In the language of Mr. Hamilton, the objects of treaties are *contracts* with foreign nations which have the force of law, but derive it from the obligations of good faith, and no nation on this earth ever did and no nation ever will prosper which violates its pledged faith.

Sir, let this nation stand by its sacred obligations, by its word, by its pledged faith, and let the notice be given as the amendment proposes to the government of China that this immigration is hurtful to us; that we believe it to be the interest of our people that the fifth and sixth articles of the Burlingame treaty should be abrogated, and that unless stipulations are entered into with that view by the 1st of January next, we should proceed according to our own municipal law to settle the matter for ourselves. That is reasonable and not violative of accustomed methods; and I voted for it, wanting to put a stop to this Chinese immigration, but wanting to do it in such a way as not to give even the appearance of bad faith, and in such way as not to interfere with our harmonious relations with China, with which we have such great and increasing commerce.

But, sir, another point. A treaty, a solemn compact, composed as this is of various articles, is an entirety. The whole treaty is one contract; it is an entirety. Therefore I say a contract being the mutual assent of the minds of the contracting parties to the same thing in the same sense, a breach of any part of the contract justifies the other party in declaring it wholly broken. The Emperor of China had his objects in view in making the treaty. We had ours. The whole treaty must be taken as one complete, entire contract. Therefore, if we set aside a portion of the contract it results, in the language of Mr. Webster at Capon Springs, that "a compact broken on one side is broken on all sides." Thus, I say, to-day, if we repeal these fifth and sixth articles of the treaty, or abrogate them—call it what you may—there is nothing in public law, there is nothing in the treaty itself that would prevent the Emperor of China from declaring abrogated every article of the treaty from one end to the other, and it would be to us no cause of war. Thus, were he disposed to regard the treaty abrogated, it might break down the commercial relations which we have been building up with China for years and years past, and that we have taken so much pains to build up. We should simply be taking the *debris* of that broken Chinese wall and justify him in rebuilding it more strongly than ever.

Sir, we should do this thing with our eyes open. Do not look at this from a single point of view. Do not let us jeopardize a great commercial interest in swift haste on reasons not manifestly for the general welfare of the United States, but possibly for other purposes not quite clear to the common mind. Let us, if we abrogate these articles of the treaty, know what will be, or probably may be, the consequences of this act; and the consequences may be that the entire treaty may be abrogated, and that without cause of war. Why? Because if we have a right to break down one article of the treaty, or two, we have a right to break down all the articles of the treaty, and if we have it, then under the law of nations—all sovereign States, great or small, being on terms of perfect equality—the Chinese government has the same right to do it. If we have the right to do it without giving cause of war, they have a right to do it without giving cause of war. But while this mode of accomplishing the object is very different from any I should have selected, I regard this Chinese immigration as so fearful an evil in this country, present and prospective, that, if it cannot be done in a way I should like it to be done, I will take the nearest and best way to that which I believe to be right, and if no better way is opened I will vote for the bill, and only because I believe there is a paramount necessity to the well-being of our own country to remove the evil. The amendment is practically a measure of comity, that is all, aiming to accomplish precisely the same end, but by the accustomed method. It is saying to the people of China, "While we believe that the interest of our country requires us to do

this, we think you entitled to fair notice of our purpose." If you agree with us we will arrange the difference, otherwise we withdraw from those articles. That is all there is in it. I trust the amendment will be adopted. If, however, in the wisdom of the Senate it is thought best to reject it, then, concurring in the object to be attained, though not approving the method, I shall vote for the bill.

Mr. HOWE. Mr. President, whatever may be thought of the Senator from Vermont [Mr. EDMUNDS] as an expounder of the law, I think it must be conceded that as a teacher of ethics he is a success. I have seen nothing which seemed to touch the conscience of the Senate so potentially as this amendment of the Senator from Vermont. For two days the Senate has listened to argument here to show us how right and how proper a thing it was for the legislative power of the United States, speaking for the interest of its people, to abrogate certain provisions of an international compact, for the sole reason that those reasons struck at were onerous. Finding them onerous to us, we have been told over and over again that public law, that writers on international law proclaimed the right of the Government to abrogate those provisions; that the right of self-defense overrode the words of the compact and obliterated them. Well, I was one of those who listened rather distastefully, rather reluctantly, to that sort of gospel; but the Senate seemed to take it and like it; and now the Senator from Vermont proposes to tell China, the other party to this contract, that if she finds anything in our treaties onerous to her, she may abrogate them, reciprocally, says the amendment. Gentlemen start up "no, no, not that; if she abrogates any part of the treaty which is not onerous to us, but which is beneficial to us, she does that at the peril of war." So the doctrine taught to-day in the Senate by one side of the Chamber is this: that the strong can at will set aside what she does not like in any compact, and do it safely; the weak can set aside nothing which the strong approves without doing it at her peril. Mr. President, I do not believe in either part of this doctrine. I do not like to vote for the amendment of the Senator from Vermont, for I do not like this way of putting an end to contracts. It is an unjust way of doing it; I believe it is an un-American way of doing it. It is an example which I do not wish to set to the world. I believe it is unnecessary. There are better methods, plainer methods, juster methods of rectifying every wrong under which any part of the country suffers now because of the treaty under consideration.

Mr. BLAINE. The amendment for which the Senator from Wisconsin and the Senator from Texas who last spoke voted, proposes to abrogate and treat the obnoxious stipulations of this treaty as at an end on the 1st day of January, 1880. This bill proposes to do it on the 15th of February, 1879. The opportunity that the honorable Senators provide is ten months and a half. This bill proposes, in pursuance of the authority which the United States thinks it has, and possesses, to do a certain definite thing under the constitutional power. The honorable Senator from Wisconsin holds up his hands in holy horror at such a proposition as that. "Why," says he, "we will send a man over there and notify the Emperor of China that we want that done; if he does not consent to do it, we will notify him that on the 1st day of January, 1880, the stipulation is at end anyhow." There is a big difference! I should say that that was the insulting mode of proceeding. If we proceed this way, we proceed in the eyes of all the nations acting upon a power which we think we constitutionally possess. According to the amendment which the Senator from Vermont and the Senator from Wisconsin advocate, you will send a message to the Emperor of China, saying, "We want this part of this treaty obliterated, and if you do not consent to do it we want you to understand that, whether or no, it is at an end on the 1st day of January, 1880." That is the amendment. There is the difference. "Whether you consent or not," shaking the American fist in his face, "I want you, son of the moon and stars, you heathen, you pagan, to understand that whether you consent or not, we will undertake to declare, through our legislative power, that this thing is to be at an end." Is not that about all the honorable Senator can see in the way of difference between the propositions? That is all the difference.

Now, if the Senator from Vermont wants reciprocity by his amendment, make it reciprocal, and make the engagement that we will no more ask for our citizens a single privilege in China than we are willing to give the Chinese subjects in America. That is perfect reciprocity. I will vote for that, that we will not ask to force any more Americans in China than we are willing to admit China subjects in America. But to put on an amendment declaring that because in the exercise of a power which the proposition that the Senator from Vermont and the Senator from Wisconsin voted for declares in effect that we have, making only a difference in the date of ten months and a half, we shall therefore invite China to find any possible way in which she can annoy and obstruct, and injure Americans, in every direction harass them by way of revenge, is a kind of legislation which I do not think I will vote for.

Mr. HOWE. Mr. President, the Senator from Maine has proceeded to judgment against me a little in advance of conviction. I have not voted to indorse that piece of paper, [the amendment of Mr. CONKLING.] I want the Senate to take notice that I have not voted to approve that amendment. I have consented to strike out the words in the pending bill and to substitute those in the amendment. I have voted to strike out something in the bill which in my judgment is unutterably vicious, and put something in which in my judg-

ment is a little less vicious. But I think I should see the walls of this Capitol tumble about my head before I would vote that as the judgment of the American Senate.

All the difference the Senator says is that the bill proposes to do at once what I propose to do in January next. The amendment does propose to do that in January next which I deprecate the doing of at any time. I never would consent to say to China or to any other power, Christian or pagan, less to a pagan power than to a Christian, that if you will not accede to the terms of a compact I offer you, then I will proceed by the strong hand to take what I wish. I do not believe that is the appropriate spirit in which to open a negotiation with any power. Still I must be permitted to say that I think it is not merely preferable, but far preferable to give a few days of grace to the parties whose contract we propose to put an end to, to give them an opportunity to yield by negotiation the redress which we seem determined to have, whether or no. I think it is a politer way on the whole of reaching that end; and, therefore, if the Senate is to give its assent to either of these propositions, I very much prefer as an American Senator that it should give its assent to this; but speaking for my single self, I am not exposed to the slightest danger of giving my individual consent to either.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS,] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. WADLEIGH, (after having voted in the affirmative.) I feel compelled again to withdraw my vote on account of having been paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were present, I should vote in favor of the amendment.

The roll-call having been concluded, the result was announced—yeas 27, nays 39; as follows:

YEAS—27.

Anthony,	Davis of Illinois,	Hoar,	Maxey,
Bruce,	Davis of W. Va.,	Howe,	Merrimon,
Burnside,	Dawes,	Ingalls,	Morrill,
Butler,	Edmunds,	Kellogg,	Oglesby,
Cameron of Wis.,	Ferry,	McCreery,	Rollins,
Conkling,	Garland,	McMillan,	Withers.
Conover,	Hamlin,	Matthews,	

NAYS—39.

Allison,	Dorsey,	McDonald,	Saunders,
Bailey,	Eaton,	McPherson,	Sharon,
Barnum,	Eustis,	Mitchell,	Spencer,
Bayard,	Gordon,	Morgan,	Teller,
Beck,	Grover,	Paddock,	Thurman,
Blaine,	Hereford,	Patterson,	Voorhees,
Booth,	Jones of Florida,	Plumb,	Wallace,
Cameron of Pa.,	Jones of Nevada,	Ransom,	Whyte,
Coke,	Kirkwood,	Sargent,	Windom.
Dennis,	Lamar,	Saulsbury,	

ABSENT—9.

Chaffee,	Hill,	Kernan,	Shields,
Cockrell,	Johnston,	Randolph,	Wadleigh.
Harris,			

So the amendment was rejected.

Mr. MERRIMON. I beg to say just a word in explanation of the vote which I shall give against the passage of the bill now before the Senate. I can well understand and appreciate the antipathy of our people on the Pacific coast against the influx of Chinese there.

Mr. CONKLING. We cannot hear the Senator here.

Mr. MERRIMON. I am very hoarse and hardly able to speak. I think they have a grievance which ought to be redressed in some way; but this is not the way, in my judgment, to do it consistently with the dignity and character of this Government. I shall vote against this measure upon the ground that in my judgment, with all respect and toleration for those who think otherwise, it is an arbitrary invasion of the treaty rights of China, and a repudiation of the faith and honor of this country. I shall vote against it upon the further ground that it utterly ignores our relations with one of the greatest empires on the face of the earth. How it is to affect them, what the consequences are to be, no one can now undertake to say. In my judgment we ought to proceed cautiously with this people. We ought to proceed cautiously with them upon the ground, if no other, that they are a race of people inferior to us, who have not the intelligence, the advantages, and the powers of civilization that we have. We ought to give them a fair, courteous, honest notice of what we propose to do if we cannot settle our differences or redress our grievances by mutual understanding. We ought to exhaust negotiation first.

Upon these grounds, thus summarily stated as the grounds of my opposition to this bill, I shall vote against it.

The bill was reported to the Senate as amended.

Mr. McMILLAN. Before voting upon the final passage of this bill, I wish to say a word in regard to the vote I shall give.

It is to be conceded that a nation has the power to abrogate a treaty; but the power gives no right to do it if there is not sufficient ground for it. Nations can act as they see proper, because there is no superior power, and that is the only reason a nation has power to do wrong. In the case of an abolition of a treaty between two nations, there is an arbiter, and that is the sword; and no nation has a right to do an act which violates a treaty which would not be justifiable in morals before the world. Then, in passing this act we are abro-

gating a treaty with the Empire of China without her consent. That permits her in the exercise of a reciprocal right to take a similar step with reference to any of the provisions of this treaty which she may regard as injurious. If then, after the passage of this act, China should take any steps with regard to cutting off our commerce at any of her ports; if she should expel our citizens engaged in trade in the Empire of China under the laws of the empire; if she should do any other act which would violate rights secured by the terms of this treaty, we should have no ground of complaint, and we must be prepared to say now that if she does so we should have no cause of war against her; and if that issue arises—and the people must contemplate that fact, because it is not to be presumed that the Emperor of China is silly; it is not to be presumed that that empire will not protect herself, and we must look the fact in the face that if she does an act which violates this treaty, we cannot assert it as a just cause of war against her. That issue will come to this people, I believe, if this act is taken, and we shall be put in the predicament of being compelled to submit to the deprivation of commerce with that country or engage in an unjust and unjustifiable war.

That is but the assertion of the principle embraced in the amendment of the Senator from Vermont which has just been voted down; and in voting for this bill, in voting for an act of this character, we must take that position, these amendments having been refused. But if the matter is made a subject of negotiation between the nations, all this difficulty can be avoided; and further than that, Mr. President, other difficulties can be avoided. In this treaty our Government has expressly recognized the right of expatriation upon the part of citizens of any country. We have asserted that principle in this treaty broadly and distinctly. Are we allowed now to abandon that declaration? Are we, in the face of the nations of the earth, permitted to abandon such a position as that? There are other nations in the world, and if that right does not exist as between China and the United States, it does not exist as between any other nation and the United States. And there are questions continually arising which will involve that principle as between nations where we should be compelled to assert it. That difficulty can be avoided by negotiation in this case. That principle need not be violated. We can make terms with China by a new treaty which will preserve to us all the rights we have; which will secure the people of this country against any evils which exist, and preserve also this position, which I believe to be true, that the right of expatriation does exist.

Mr. THURMAN. Will my friend from Minnesota tell me where there is one word in this bill that denies the right of expatriation?

Mr. McMILLAN. You make it a penal offense to bring people who wish to come to this country in ships from China.

Mr. THURMAN. What has that to do with the right of expatriation?

Mr. McMILLAN. If they have a right to expatriate themselves they have a right to go where they please, to any country where they desire to dwell; and if it is a penal offense to convey them here, then the right of expatriation does not exist.

Mr. THURMAN. I am always learning something, and I am always glad to learn something. This is the first time I ever heard any statesman, or ever heard of anybody else, asserting that the right of expatriation involved the right to go as one pleased and where he pleased.

Mr. McMILLAN. The Senator from Ohio is very well informed in regard to national law and the rights of citizens of nations, but I am inclined to think he has not examined very closely the bill for which he is about to vote. This bill provides that no owner of any vessel, foreigner or citizen of the United States, shall take into a vessel at any port in China with intent to bring to this country any greater number than fifteen persons, and makes it a penal offense to bring them into this country, either to take them from any port of China or to bring them within the jurisdiction of the United States. It even attempts to reach the ports of a foreign country. No one would contend for a moment that if that intent were not carried out by bringing them into this country, it could have any effect whatever. If they have the right to leave their country and to become citizens of another country, can it be made a penal offense for them to come here in the ships which float upon the ocean and the only means of communication across the seas? I think the Senator from Ohio had better examine the terms of his bill before he undertakes to say that this is not in conflict with the principle of the right of expatriation.

The VICE-PRESIDENT. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. CONKLING. Has the bill been reported to the Senate?

The VICE-PRESIDENT. It has been.

Mr. CONKLING. Then I wish to renew in the Senate the amendment I moved in committee.

The VICE-PRESIDENT. The Chair will receive it after first putting the question on concurring in the amendments made as in Committee of the Whole.

The amendments made as in Committee of the Whole were concurred in.

Mr. CONKLING. Now I renew in the Senate the amendment disposed of by so close a vote in committee.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert the following:

That the President of the United States is hereby requested immediately to give notice to the Emperor of China that so much of the existing treaty between the United States and China as permits the migration of subjects of the Chinese Empire and their domicile in this country is unsatisfactory to the Government of the United States, and, in its judgment, pernicious, and to propose such modifications of said treaty as will correct the evils complained of; said modifications to be made in a new or supplemental treaty to be submitted to the Senate of the United States on or before the 1st day of January, 1880. Should the government of China refuse or omit to agree by a change of the existing treaty to such modifications as aforesaid, then the President of the United States is further requested, and he is authorized, to inform the Emperor of China that the United States will proceed by laws of its own to regulate or prevent the migration or importation to its shores of the subjects of China, and after the 1st day of January, 1880, to treat the obnoxious stipulations as at an end.

Mr. CONKLING. Without meaning to say anything now about this amendment, I wish to make one remark in reply to what fell just now from the Senator from Ohio on my left, [Mr. THURMAN.] Unless I misapprehend radically the force of the pending bill, it does effect that ascribed to it by the Senator from Minnesota, [Mr. McMILLAN.] The Senator from Ohio seems to suppose that it interdicts the domicile, the sojourn, the residence in this country of the subjects of China, and stops there; and naturally enough he says he never heard before that the right of expatriation includes the right to go where one will, and remain and be, I suppose, where one will. The first section of the bill enacts "that no master of any vessel owned in whole or in part by a citizen of the United States or by a citizen of any foreign country, shall take on board such vessel, at any port or place within the Chinese Empire, or at any other foreign port or place whatever, any number exceeding fifteen Chinese passengers, whether male or female, with the intent to bring such passengers to the United States, and leave such port or place and bring such passengers to any number exceeding fifteen on one voyage within the jurisdiction of the United States."

If I can understand language, that section, assuming that it becomes law, and assuming that it can be executed, forbids every American ship, every foreign ship, to take on board at any port in China or any port in any other empire men or women of Chinese origin exceeding in number fifteen, either with intent to transport them to the United States there to remain, or to transport them to any other place on the face of the globe so that they are to pass through the jurisdiction of the United States. "And bring such passengers to any number exceeding fifteen within the jurisdiction of the United States;" so that if you assume that such a statute would be operative, it would interdict the navies of all the earth from bringing from China or anywhere else passengers Chinese in origin more than fifteen in number, either to tarry and abide here, or to come within the jurisdiction of the United States either on land or on the sea, proceeding, though they might be, to some far distant realm where a welcome might await them.

Mr. President, I respectfully submit that it will not do in one breath to affirm the right or even the power of the American Congress to enact and execute such a penal statute, and at the same time that such a statute does not impinge upon or impair the right of expatriation.

Turn now, Mr. President, to the amendment which I have renewed in the Senate. In Committee of the Whole it failed by one or two votes; the Senate may be fuller now, I hope it is, than it was at the moment the vote was taken, and therefore I renew the amendment. I am moved, to state the motive in a single expression, the belief that a great nation had better not unnecessarily aim by doubtful means at that which may be accomplished as certainly by means sanctioned in usage, in conscience, and in propriety. Apart, therefore, entirely from the merits of this question, conceding that those who go farthest in objecting to Chinese immigration are warranted in all they say, I insist that we should proceed in a way quite effectual, equally effectual, and one which at the same time abstains from more than questionable methods.

I ask for the yeas and nays in the Senate upon this amendment.

The yeas and nays were ordered.

Mr. THURMAN. Mr. President, I have very great reluctance, especially at this late hour in the afternoon, to submit any more remarks on this bill. I have spoken two or three times upon it, and though I have made no long speech, no speech I believe exceeding twenty minutes at the outside, yet I have spoken perhaps as often and indeed longer than I thought it a duty; but I cannot permit the idea thrown out by the Senator from Minnesota and indorsed by the Senator from New York to go without some reply.

I know one way of killing a measure is to give it a bad name. If you can get some big word like "expatriation" or term like "the right of expatriation" and get it into somebody's head that you are infringing that right, you have gone a great way to defeat the measure, although really the right of expatriation or the term that is used to defeat the bill has no more to do with it than it has with squaring the circle.

Now, Mr. President, what is the right of expatriation? It is a right to leave one's own country, to go *ex patria*, to go from that country. It is not a right to go into some other country against the will of that other. If a person wishes to expatriate himself, and can find a place that is willing to receive him, he has a right to go to that place. That is all the right of expatriation. It is not, if I may coin a word, a

right of inpatiation; that is not the right at all; and there is not, I repeat, one single word or provision in this bill that in the slightest degree interferes with the subjects of China in leaving their own country and going to any country that is willing to receive them. They may expatriate themselves as much as they please, but they cannot inpatiate themselves without the consent of the country where they wish to take up their domicile. That is all there is of it.

One word more on the subject of this amendment. I do hope this amendment may not be adopted. I think it is only prolonging the agony, so to speak, without doing the least particle of good. The amendment proposed is:

That the President of the United States is hereby requested immediately to give notice to the Emperor of China that so much of the existing treaty between the United States and China as permits the migration of subjects of the Chinese Empire and their domicile in this country is unsatisfactory to the Government of the United States and, in its judgment, pernicious, and to propose such modifications of said treaty as will correct the evils complained of; said modifications to be made in a new or supplemental treaty to be submitted to the Senate of the United States on or before the 1st day of January, 1880. Should the government of China refuse or omit to agree by a change of the existing treaty to such modifications, as aforesaid, then the President of the United States is further requested, and he is authorized, to inform the Emperor of China that the United States will proceed by laws of its own to regulate or prevent the migration or importation to its shores of the subjects of China, and after the 1st day of January, 1880, to treat the obnoxious stipulations as at an end.

Mr. President, this amendment, if adopted, achieves nothing whatever. In the first place, it is a request to the Executive that he may or may not comply with. In the second place, it provides for negotiations that may last until the 1st day of January, 1880. Then, if they shall have resulted in a treaty, that treaty has to be considered by the Senate of the United States. If they shall not result in a treaty, if no treaty shall have been made whatever, then what? Then the President is to inform the Emperor of China that the United States will proceed to make what?

Will proceed by laws of its own to regulate or prevent the migration or importation to its shores of the subjects of China, and after the 1st day of January, 1880, to treat the obnoxious stipulations as at an end.

That is to say, after this attempt has been made to negotiate a new treaty with China, and it fails, then when we come down to the 1st of January, 1880, we are precisely where we are this day, not one single step taken in the direction of preventing or limiting this migration. Then the whole subject is open again as fully and as completely as it is to-day. There is no provision in this amendment that the immigration shall stop, no positive affirmative legislation to prohibit it or to limit it; but we are simply to say to the Emperor of China, "If you will not agree to a prohibition of this immigration by the 1st of January, 1880, then we will proceed to legislate about it in our own good will and pleasure." That is all there is of it. You have not advanced one single step toward putting a stop to this immigration by the adoption of this amendment. You have inaugurated some red tape, and that is the whole of it.

Mr. President, I say once more that China will not have the least right in the world to take offense at this bill should it become a law. No nation has the right to take offense at the exercise by another nation of a power that plainly belongs to it and that is exercised in no unfriendly spirit whatever, but for reasons affecting, and deeply and profoundly affecting, the interest of the nation that enacts the legislation. There is no necessity for any sensitiveness on this subject, as it seems to me—I say it with great deference to others. I think there is no danger whatever of our commercial relations with China being disturbed, or of our giving offense to that nation in a way that would be prejudicial to the interests of the United States.

Mr. President, this is no new subject. It cannot be contended for a moment that this subject is sprung upon the American Congress now for the first time. Every Senator who has held a place upon this floor from the Pacific coast since I have had the honor to sit here, without regard to his political proclivities, without regard to his party connections or affiliations, has been urging, and earnestly urging, upon us the enactment of some such law as this. I believe the same thing may be said of every Representative from the Pacific slope in the other branch of the Legislature. They have called our attention to it again and again; they have called it by resolutions of their Legislatures; they have called our attention to it by the able arguments of their Senators and Representatives; they have called attention to it by their laws and their constitutional conventions; they have caused the two great political parties of this country to consider it in their national conventions; and it will not do to say now that this thing is sprung here in hot haste upon the Senate of the United States. It is time, in my judgment, Mr. President, for us to act upon it, and now is the proper moment.

Mr. CONKLING. Mr. President, I never knew anybody to address to the distinguished Senator from Ohio [Mr. THURMAN] an argument so convincing to him as the argument always made by that distinguished Senator himself. He proceeds a second time in a somewhat *ex cathedra* and very complaisant manner, to speak with a sort of pity, not quite unmingled with contempt, of those who suppose that this projected statute has anything to do with the right or the exercise of the right of expatriation, and with the kindness of an elementary, a very elementary author, he informs the Senate what the right of expatriation is.

Mr. President, I shall venture to assume that all the Senators upon this floor know substantially, as well as the Senator from Ohio knows,

the substance, the essence, the meaning of the right and the word "expatriation;" and in reply to the very summary dismissal which it received at his hands, in reply to the somewhat magnificent disdain with which the Senator waved away the suggestion which I had the temerity to make, I come back to the fact and ask the Senate to observe that the aim of the first section of this statute is twofold: first it is to prevent and exclude the domicile, the entrance to remain, of all persons of Chinese origin, come from where they will; and, second, that speaking of all its jurisdiction, whether of dry land or of water, it assumes to forbid all the ships of all the earth, coming from China or anywhere else, to enter our jurisdiction or waters carrying Chinese passengers, bound though they may be to an ultimate destination, no matter how remote.

Now, Mr. President, is there any lawyer so ensnared in the technicalities of law that he will undertake to affirm that in reason and in fact that does not impair the right of expatriation. *Qui hæret in litera, hæret in cortice*; and the honorable Senator from Ohio is a lawyer upon too broad a scale to tell us that expatriation means not in-patriation but the right of the citizen of a nationality or a realm to depart from it at his pleasure, and that therefore such provisions as these come nowhere near touching such a question. Borrowing the phrase of the honorable Senator, which he so often employs "that won't do," for although technically it is true, substantially it is erroneous. The honorable Senator might as well say to me if I were the owner of a close and he of another, his external to the highway and between mine and the highway, that I had a perfect right to go from my close where I pleased, that he forbade me to enjoy a right of way over his premises, that he would sue me and drive me off by force if I undertook to cross his premises, and that although there might be no other mode of passage to the highway, I had a perfect right to go wherever I might list, and that his denial of neighborhood did not interfere with that right. That might be technical; it would not be true. Therefore I say of the honorable Senator's reply, that it is very commanding, it is very imposing, but it is very insufficient. I might say of that honorable Senator as a military critic said of the charge of the Light Brigade "it is magnificent, but it is not war."

Another word as to something the honorable Senator told us last evening and has told us again to-day, although I think he unkindly criticises himself when he observes that he has made as many speeches and made them as long as he should have done upon this topic, because there is no topic so dry that the Senate does not listen with delight to the honorable Senator from Ohio. I am no more able to agree with him in that respect and no less than in one or two others which his observations again to-day suggest.

He strives to convince us first that this amendment is offensive to all the objections which lie against the bill; and then, curiously enough, he wants us at the same moment to believe that this amendment is a mere gun fired in the air, a mere bull aimed at the comet. It seems to me one or the other of those arguments proves too much. This amendment has in it the substance and the essence which interferes with the wishes and the treaty rights of China ultimately, or it has not. It cannot be true that it contains all the ingredients and vice, if such there are, of the bill, and yet that it makes no advance at all, in the language of the honorable Senator, in the end, leaves us just where we are. I submit that the demand on the credulity of the Senate is too great when we are asked to believe these two repugnant suppositions.

Mr. President, it often happens, as illustrated by litigations in courts, and as illustrated by treaties between nations, that time is of the very essence of the contention on one side or on the other. I need not go far for illustrations or instances in that regard. If we had terminated the treaty of Washington before a recent award was made about the fisheries, the very day on which we were able to do it might have made all the difference in the world as to the effect, almost that difference which is made by the arrival of a reprieve whether it comes an hour before or an hour after an execution has taken place. If this treaty and this subject belonged to the class which I have endeavored thus to illustrate, all could see force in the objection that no postponement could occur without seriously affecting the rights concerned. But is anybody to tell me that this tide of Asiatic emigration which has been pouring and thundering on the western coast of this country is going between July and January to inundate and submerge the States of the Pacific coast, including particularly the State of California, with her one hundred and eighty-five thousand square miles, more than four times as large as the State in which I live? The honorable Senator from Maine [Mr. HAMLEN] says that in the State of California, as he gathers from his investigation, there are one hundred and three thousand Asiatic pagans; that description of them I believe is most satisfactory to those who dislike them, and the honorable Senator from California says he thinks there are one hundred and twenty thousand, if I mistake not. Suppose there are one hundred and twenty thousand men and women, the dregs, they say, of the Chinese Empire; one hundred and twenty thousand of the debased and degraded sons and daughters of Chinese civilization. I infer that they are not those who, from education, from culture from great endowment, are likely to be felt in the civilization or the affairs of California further than their numbers would naturally imply. By how much are these numbers to grow between July and January next? What is it in the life of the nation, in the life of the State of California, whether this flow of Chinese immigration be checked six months sooner or six

months later? It is of no more consequence than a speck on a disk so far off in space that it never could enter into human calculations. I will assume anything which the honorable Senator from California will argue as to what would occur or may occur between July and January; exaggerate it, multiply it, place it in any form you can, and what quantity does it make in the sum which the Senate sits to do to-day?

Mr. SARGENT. Do you want an answer?

Mr. CONKLING. Certainly.

Mr. SARGENT. It makes this difference. The Senator from New York by his amendment, if carried, will have this matter postponed for months, when he will come to the Senate and use every means in his power, as he has done during the progress of this debate and the consideration of this bill, to prevent any relief to the people of California. That is the difference. If the Senate passes the bill, it gives a mode of relief; if it passes the amendment, it simply promises relief which the Senator from New York will try his utmost to disappoint. That is the difference.

Mr. CONKLING. Mr. President, the mood of my friend from California—I thus address him with the emphasis on "friend" because he is my friend as he knows I am his—the mood of the honorable Senator from California and his extreme earnestness about this business betray him into a suspicion of the motives of others, of which at another time he would be incapable, and which hereafter as he takes a retrospective glance of the doings of this day he will regret.

Mr. SARGENT. Will the Senator tell me that his amendment passing he will be in favor of relief? Is he in favor of a stringent bill to prevent the immigration of Chinese?

Mr. CONKLING. If my honorable friend will allow me to proceed I will tell him as much during the few moments which I intend to consume as I am able to do pertinent as it seems to me to this question; and I will tell him in front of all else, that I have nothing to conceal from him and that I am entirely free, as free as he must suppose not only some other Senator but all other Senators are of apprehension of the part which this question is to play in the dynamics of party politics and achievements hereafter in various fields beyond the Senate Chamber. I am not disquieted at all by speculators or visions peopling any other stage; and therefore it will cost me but little effort to be frank with the Senator from California.

Let me now resume the thread of the brief argument I intended to make in this regard. I believe I was in act to inquire what was to happen from this interval of delay, and the honorable Senator interrupted to express his opinion of what I meant to do. It is a sufficient answer to that, that the fate of this question will never rest upon what I intend to do; and therefore, if for no other reason, the Senator will, for the moment at least, leave me out of his calculation.

I would like any Senator to assign one substantial reason for preferring the 1st of July to the 1st of January to check this immigration. What this substitute will do when we reach January is a separate thing, which I will come to in a moment; but at this moment, and dealing with one thing at a time, (which is usually as much as I am able to do,) I will pause for any Senator to tell me one gain to the wrong side or the right side, or one loss to either side of this question growing out of a postponement from July to January of the proceedings, whatever they be, it is proposed ultimately to take.

If, then, there is no preference for one of these dates over the other, I see no remaining question to consider except that adverted to by the honorable Senator from Ohio when he said, in a somewhat general way, that when the 1st of January came we should be left exactly where we were. Mr. President, if that is true, if this is a circular process by which we are to go round and round and come out exactly where we began, no other argument is necessary to show the futility and idleness of this amendment. But let me take it up one moment, and see whether the honorable Senator from Ohio has any right to say that.

In the first place, the amendment provides that forthwith a notice is to be given to the Chinese government. That notice is that this whole proceeding, which finds its point of precipitation upon the Pacific coast, is unsatisfactory, and as we believe pernicious, and that we want by a treaty fairly negotiated and agreed upon to put an end to it immediately in so far as it is held by the Government of this country to be pernicious, in the language of this amendment, "to correct the evils complained of," those being compendious and inclusive words. That notice is to be given and that effort is to be made. If it succeed, its fruition must come here by the 1st of January, 1880; for after that time it will join that crowd of treaties and of souls who have been met with the answer, "too late." It must come by January, 1880, or not at all. If it does come, if it is ratified by the Senate, I think no Senator will rise to say that the whole purpose will not have been accomplished, and accomplished within the methods sanctioned by the immemorial usage of all civilized nations.

Now suppose it fails, and fails within this period, for there is no after period for which we are to delay, then what?

Should the government of China refuse or omit to agree by a change of the existing treaty to such modifications, as aforesaid, then the President of the United States is further requested, and he is authorized, to inform the Emperor of China that the United States will proceed by laws of its own to regulate or prevent the migration or importation to its shores of the subjects of China, and after the 1st of January, 1880, to treat the obnoxious stipulations as at an end.

To comprehend the force of this language when it is adopted, let

us not forget that this is to become an act of Congress, an act carried by a majority of both Houses, and sanctioned by the Executive, with whom the Constitution has deposited one-sixth of the law-making power of the nation. Thus by this act, in this act, the whole law-making power says now *in presenti* that when the 1st of January next comes it will treat these stipulations as at an end; it will legislate on this subject as if there were no treaty; and the honorable Senator says, then we shall be in *statu quo*; then we shall be just where we are now. Shall we? After both Houses of Congress have legislated directing the appropriate department of the Government to give notice that after January next this treaty is not to stand, that unless during the interval it be replaced by another and satisfactory treaty it is to go down and we are to proceed to legislation—is it true that having done that we have done nothing? Why, the honorable Senator from California says the Senator from New York or the Senator from somewhere else may vote this way or that way. Yes, Mr. President, there may be no Senator from New York here on the 1st of next January. Pestilence may sweep away both Houses of Congress. There may be no Government of the United States on the 1st of January, and a great many things may be. It was Mr. Cushing, I believe, who once told the court that an impossibility is the greatest possible fact; and whatever "the greatest possible fact" may be on this subject may turn out to be the fact on the 1st of next January. But within all reasonable suppositions, within all reasonable intendments, is it to be supposed that the Senate having adopted such a statute, the House having adopted it, the Executive having signed it, notice having been given to a foreign power, a protocol or convention having failed, and Congress having come back at the next session in December to find such a condition of things,—is it to be supposed either that this act would be repealed, or that such police regulations or such statutory provisions as might then be found necessary to effectuate this purpose would be refused? Is that a fair presumption? Is that a reasonable conclusion? Is it not, if I might so say without offense, to stultify the intelligence of us all to suppose that the enactment of this statute would in either contingency leave any tangible doubt.

Now, Mr. President, I have objections to this substitute too. Although I offered it, and although I drew it, I have objections to it; but I have lived long enough and served long enough in parliamentary bodies to learn that the question to be put to one's self in legislation is not what he individually and pragmatically would exactly prefer or approve, with all the dots of the i's and all the crosses of the v's to suit him, but what will present a choice, even if it be a choice of evils, a choice in wise alternatives of legislation, if they both be wise, and what will present such a choice as will commend itself to the average judgment of those who in the main agree. And therefore I drew this amendment, not to express my own particular belief about this, but to present something as effectual in result as the bill itself, but proceeding by methods which would not disgrace the spirit of the age or belie the very genius of our Government.

I am not going to enter into an ethical dissertation on the question of the right a power or a nationality has to rend its treaty stipulations. I have heard it affirmed that if the nature of a stipulation was executory merely, it was at the convenience and the option of every power to betray it or observe it. I do not believe that. I do not believe that might makes right. I do not believe that an individual or a nation having entered into a solemn compact has a right by mere convenience and self-interest to graduate its duty to observe it. It was a splendid burst of eloquence in a dramatic poem when a hero was made to say:

Before I break the word I have the power to keep,
I would lose the life I have the power to part with.

That was not the doctrine of a man who believed that convenience, self-interest, the mere sordid prompting of a preference, is the highest rule of human or national action. But, as I say, I am not going to discuss that. Nor did I draw this amendment to exhibit the notions which I might or might not have upon questions of ethics or questions of international law. I assumed that a majority of the Senate intended to take measures and effectual measures to put an end to so much of the treaty with China as favored the inundation of the western shore with the children of that empire; and so assuming I sought to draw a provision which would effect that purpose, and which at the same time would preserve unsullied the faith, the honor, and the decorum of the American people; and I humbly submit it is effectual for that purpose, effectual because, tried in the fire of a somewhat heated debate, no shortcoming has been found. Had the Committee on Foreign Relations reported the substitute now pending, my belief is—it is of course a mere conjecture—that the very Senators who now stand like greyhounds in the slips straining upon the start, would have supported it not only with cordiality but with entire satisfaction.

Mr. MITCHELL. May I ask the Senator a question if it does not disturb him?

Mr. CONKLING. It does not disturb me.

Mr. MITCHELL. According to this amendment the honorable Senator from New York provides that—

Should the government of China refuse or omit to agree by a change of the existing treaty to such modifications, as aforesaid, then the President of the United States is further requested, and he is authorized, to inform the Emperor of China that the United States will proceed, by laws of its own, to regulate or prevent the migration or importation to its shores of the subjects of China, and after the 1st of January, 1880, to treat the obnoxious stipulations as at an end.

Now what I want to know is this: suppose that the Emperor of China when this gun is pointed at him and the demand made, should decline to negotiate until the 1st of January, 1880, should arrive, then is it necessary under this amendment that there should be further legislation in order to treat the obnoxious stipulations at an end?

I concede that the amendment is perfectly plain that the Emperor of China is notified that the Government of the United States will then proceed by law of its own to regulate or prevent the migration or importation to its shores of the subjects of China; but it is not so clear to my mind what the intention of the mover of this amendment is, as to whether or not legislation would be required in order to treat the obnoxious stipulations at an end.

Mr. CONKLING. Mr. President, somebody has said that one of the severest tests of mental power is the capacity for a long time to hold without losing sight of it the same thing before the mind. With the small efficiency that I have in that, although I listened to the honorable Senator from Oregon, it was so far from the beginning to the end of his question that it broke in two in the middle.

Mr. MITCHELL. The Senator will allow me—

Mr. CONKLING. Now let me have the floor one minute. Does the honorable Senator mean to inquire of me what is to be done if such a treaty fails? Is that the long and short of it?

Mr. MITCHELL. Mr. President, I think I understand the ingenuity displayed in the drawing of this amendment.

Mr. CONKLING. You understand more than I do, then.

Mr. MITCHELL. And I have had the impression for some time that there is a cat in the meal. What I want to know in plain terms is this—I will try to make myself understood—suppose the Emperor of China declines to negotiate and the 1st of January, 1880, comes, then is the obnoxious stipulation referred to in this amendment void by virtue of this amendment; or does it require further legislation by Congress? That is what I want to know.

Mr. CONKLING. Mr. President, I think I understand that question.

Mr. MITCHELL. I should like a direct answer to it.

Mr. CONKLING. One reason why I understand it is that the Senator has left out of it a part of that sort of suggestion, somewhat cheap as I must think it is, which is often made to disparage and characterize a proposition or an adverse position. He began by talking about what was to happen after this gun was aimed at the Emperor of China. I have heard that remark once or twice before; and as I should like to be civil and decorous in what I say, I will not trust myself to comment upon it. Putting it in language which I think a little nearer the requirement of the case, the Senator means as I understand him to inquire whether, after this effort has been made to negotiate and it fails, we are to legislate further in order to maintain our rights.

My understanding, which I supposed I had made quite clear, (and it seems to me the understanding of the amendment is perhaps still more clear,) is this: we are to give notice to the Emperor of China, not by pointing guns at him or by doing any of these other things which for some reason or other have been thrust now and then into this discussion, but in a way honest, I hope, because I am inclined to think there is some honesty left in the world, we are to inform the Emperor of China that these provisions are unsatisfactory to us, and that we want by treaty to supersede them; and not only that, but going beyond the provisions, to put an end to the flow of Chinese migration upon these shores. We are also to inform him, because the act does that, that should such a negotiation fail, it is the purpose of this Government to proceed to accomplish that object in other ways. But the amendment says also that should the negotiations fail, after they have failed, the President is not only requested but authorized, (because at that point it becomes competent under the Constitution for us to authorize the President,) by Congress to say that after this date has arrived this Government will treat as void and at an end these pre-existing stipulations. That we say now, that we authorize and direct the President to say then, and we say it so distinctly that we fix the very day on which we shall begin, and I believe those words as effectual as well could be, to treat as at an end all pre-existing understandings. So that to make as full a response as I know how to the question put to me, if a treaty is negotiated the question is answered; if a treaty fails for any reason we have terminated the existence of the present treaty.

Mr. MITCHELL. By this act?

Mr. CONKLING. Wait one moment, if the Senator pleases.

Mr. MITCHELL. Very well.

Mr. CONKLING. I mean to be very good-natured in answering the Senator but I will thank him to allow me to make my answer.

Mr. MITCHELL. Certainly.

Mr. CONKLING. We will. Then if the Senator from Oregon or the Senator from California or any other Senator is able to show the two Houses of Congress that a penal statute, not only of the kind here proposed, but of all manner of other kinds shall turn out to be necessary, proceed to act upon those statutes just as we would had no treaty with China ever been made. In other words, we find ourselves now confronted with a treaty which in the estimation of a large number of Senators renders it unsuitable, I will not use exaggerated terms, unsuitable at least for us to proceed to legislate as we might do, and as perhaps we would do if the treaty were absent. Therefore we propose to take—pardon me, the amendment proposes to

take—appropriate steps to remove out of our way that treaty, and for that purpose the amendment is effectual. Should it turn out afterward that statutes are necessary to visit this, that, or the other act growing out of this, of course as much after as before this amendment is adopted, those statutes will be necessary. Let me say in that same connection that after this bill shall be passed the same necessity is likely to arise, and the same question might as well be put touching this bill as touching the substitute for it. Here is a regulation, a provision, that no British ship, no French ship, no South American frigate, shall come within three miles of the American coast from the northernmost promontory in Alaska down to the most southerly point on the Pacific coast. Is it to be enforced? How is it to be enforced? Without further legislation? I think not, Mr. President. Therefore as to the question whether further legislation may be necessary, it lies just as well as an objection against the pending bill as it does against the substitute offered.

But, Mr. President, I beg pardon for occupying all this time; nothing was more unintended. I was not quite willing to have the amendment voted upon without something being said in remonstrance against the attempt to "whistle it down" as a mere idle resolution having no practical effect, and being little better than a negative upon the bill itself.

Mr. THURMAN. Mr. President, I want five minutes. The Senator from New York charges me with delivering my sentiments in a magnificent and *ex cathedra* manner. The style and manner of the Senator from New York are so remarkable for their sturdy simplicity, he is always so free from anything that looks like the art of rhetoric, and he so utterly scorns anything that pertains to dramatic appearance, that when he charged me with being magnificent I bowed my head in shame to be condemned by this child of nature, the Senator from New York. [Laughter.] He never does anything at all in a magnificent way; he is simplicity itself, simplicity incarnate; and to be rebuked by him with the charge of magnificence in speaking and of speaking *ex cathedra* did wound me to the heart! I never knew before of my imperfections in that particular. I pray him to understand that it will be the study of the rest of my life to cure my defects.

But that was not all. He charged me with teaching the Senate elementary doctrine. Well, Mr. President, I really do think that it is a good thing to teach people elementary doctrine; and since I have heard the Senator on the doctrine of expatriation I must say with great respect for his learning that I think it is my duty to teach him now a little elementary doctrine that I did not teach him before. [Laughter.]

The Senator from New York seems to think that the right of expatriation is secured to the Chinese subjects by this treaty. There is not a word of it there. So far from it, no Chinaman can exercise the right of expatriation in the United States. What is the right of expatriation? Is it simply a right to take your body out of your country and go and visit some foreign land, to travel around the world, if you please? Why, no, sir, that is not it. The right of expatriation is the negation of the English doctrine, "once a subject, always a subject." The right of expatriation is the right, not simply to change your domicile, but to change your allegiance; and there is not one word in this treaty that gives to any Chinaman whatever this right of expatriation, this right to change his allegiance, and we do not permit him to do it, for we do not permit him to become a naturalized citizen of the United States and thereby to owe allegiance to the United States. We forbid any such thing; and therefore to say that abolishing that treaty is abolishing the right of expatriation or interfering with the right of expatriation, has no foundation whatever to support any such proposition.

I do not believe that I shall waste the time of the Senate any more. I only got up to vindicate myself against the very just criticism, no doubt, of my friend from New York, to whose criticisms I always pay so much attention, and to thank him for improving me in the style and manner of my speaking by the interesting strictures he made upon them, and to promise amendment in the future. [Laughter.]

Mr. HOAR. Mr. President—

Mr. CONKLING. I wish the Senator would yield to me a moment?

Mr. HOAR. I wish to utter one sentence only, with the leave of the Senator from New York. The right of expatriation, as defined by the honorable Senator from Ohio, I understand to be in his judgment the right of a bird to fly at liberty from the parent nest with an absolute denial of a right ever to alight anywhere.

Mr. THURMAN. Upon my word, Mr. President, I will send my friend the cheapest copy of Audubon that I can buy, as soon as I can find one, in order that he may know that this subject has nothing to do with birds. [Laughter.]

Mr. HOAR. The Senator from Ohio says that it is no denial of the right of expatriation to deny to a citizen who leaves his own country the right to go into any other.

Mr. EATON. This treaty denies that right.

Mr. CONKLING. Mr. President, the Senator from Ohio is so unusually witty to-night that I claim nothing in respect of what he said except to enjoy my share of the merriment he has made. I want, however, to make an observation upon another point in the Senator's address. I once heard of a distinguished democrat in Illinois, (Mr. Lincoln used to tell me of it,) who believed, and Mr. Lincoln said he did himself, that he had often succeeded, by the

sheer brass, if it was brass, and the sheer stupidity, if it was stupidity, of reiterating a thing which had nothing in the world to do with the question, ignoring, persistently, the answer which had been made to it, in convincing a crowd that he was right all the time. I am reminded of this, not because the Senator from Ohio has done anything like it, but because he gets up here for the third time and asserts and vociferates what nobody has denied, charges upon me what I have never said and never thought of, carefully avoiding all the time the point, as everybody except the Senator from Ohio understands it, between us.

The Senator says that I allege that this treaty gave a right of expatriation. Never. I never thought of such a thing. I did not suppose that the jaded ingenuity of anybody had suggested that idea. Then he says that by putting an end to the treaty it is charged that we deprive these people of the right of expatriation. I never heard anybody say that. I cannot conceive that anybody out of a lunatic asylum ever would say it in discussing this question. But the one thing that I did say the Senator happens all the time to avoid, he does not mean to do so; but as another very distinguished man from Ohio once said it is a "fortuitous combination of unforeseen contingencies," that makes him avoid it all the time. Now, what is the allegation? The allegation is that every subject of China, like every subject of every other empire, has or may have some rights, be the same more or less, to go somewhere at some time. It is not necessary to measure those rights or to ascertain how far a Chinaman possesses them. Take them as they are, more or less, this statute not merely repealing a treaty, not recalling any rights that any treaty has given or assumed to give, proceeds in the first section to declare two things: first, that no Chinaman coming from China or anywhere else on an American ship or any other ship shall come and tarry in the United States, none beyond fifteen in number. Well, that is pretty broad; but secondly, that no person of Chinese origin shall pass through the jurisdiction of the United States either by land or by sea.

The Senator from Ohio tells us that expatriation involves at once the right of negation and the right of liberty, the right of going abroad upon the face of the earth. Here is a statute which says that no person of Chinese origin, no matter where he may be, no matter on what island of the sea or in which hemisphere he may be found, shall come by any vehicle, carrying any flag, into our waters on his way anywhere else. If he is in England and wants to return to his home he shall not come within three miles, within a marine league, of our shores for any purpose. He not only shall not come to be domiciled, but he shall not come at all. Yet the honorable Senator, failing entirely to appreciate that point, thinks, or says he does, that the argument is that the treaty conferred the right of expatriation upon Chinese, and by rescinding the treaty we are going to interfere with that right! If the Senator from Ohio does not perceive the difference, I am inclined to think he is the only person who has been compelled to hear it stated for a third time who fails to perceive it; and there I leave it.

Mr. WADLEIGH. Mr. President, I do not propose to make a speech, but simply to state briefly the reasons which I have for voting or being counted as voting in favor of the amendment of the Senator from New York and against this bill. I am so hoarse that it is with extreme difficulty that I speak, but I shall endeavor to make myself heard.

I am opposed to this bill, in the first place, because it seems to me that it is a violation of the good faith of this nation and of this Government. I do not believe in the doctrine that we have the moral right to annul and abrogate a treaty in any respect whenever it becomes inconvenient for us to carry out our agreements with reference to it.

I am also opposed to this bill for another reason, and that is upon the ground of expediency. There is now lying upon our table ready for action a bill giving a subsidy for the purpose of encouraging American commerce with Brazil, a country with only ten million inhabitants, a country not possessing one-hundredth part of the capacity for giving American commercial prosperity that the Empire of China affords, with her four hundred and fifty million people. Only a few years ago the American Congress gave a subsidy of \$500,000 a year to a steamship company for the express and avowed purpose of encouraging commerce with China; and that was repealed, not because it did not effect its object, but because its passage was accompanied by the grossest corruption.

If it is worth while for us to take money out of the Treasury of this people, to take money out of the taxes paid by a people who are in distressed circumstances, as everybody says, to encourage American commerce with Brazil, is it not worth while for a moment to consider the question whether the commerce of the United States with China is not worth preserving, whether it is not worth while not to offend the emperor of that great and that numerous people?

When I was at home the other day, in talking with our leading manufacturers they assured me that this country was gaining the market of China for cotton goods. They told me that England was losing it; that the Chinese had recently lost confidence in the honesty of British manufacturers, and that day by day now American manufacturers were enabled to send their goods to and to sell them in China; and they were looking upon that trade and their prospects therein with great gratification. Now it is proposed, without notice to the Emperor of China, with no negotiations, no diplomacy, to re-

peal a solemn treaty with China, at which, as I believe, her emperor will have good cause to be offended. I do not believe that if diplomacy were resorted to he would object to the abrogation of the objectionable clauses in the treaty. I cannot believe that the exclusive Chinese government cares for them. I cannot see why the Emperor of China should wish to have his people come here to incur the danger of being indoctrinated with those sentiments of republicanism which prevail here, and which in the patriarchal government of China would ferment and would cause revolutions. I believe that he will not be inclined to insist on the retention of those clauses of the treaty at all.

But it may be asked, then, how can he object to the abrogation by Congress of that treaty in this bill? Mr. President, the Emperor of China has a right to be treated with the same respect that the government of any other country has. There is a precedent in point as to how a government should be treated with reference to the passage of a bill by Congress which abrogates any clause of a treaty therewith. Upon the 3d day of February, 1869, an appropriation bill was before Congress in which was the following clause:

For expenses under the act of Congress to carry into effect the treaty between the United States and her Britannic Majesty for the suppression of the African slave trade, \$12,500.

It was proposed that inasmuch as slavery was abolished in this country, inasmuch as there could possibly be no business for those judges to perform, inasmuch as their offices were dead, that clause in the appropriation bill should be stricken out, and that no provision should be made for paying those judges of the mixed courts provided for by treaty with Great Britain. The Senate refused to do that upon the ground that it would be disrespectful to Great Britain, and upon the motion of the Senator from Maryland, [Mr. WHYTE,] who was then, as now, in the Senate, the following provision was inserted in the bill instead of striking out that to which I have referred:

That the President be, and he is hereby, requested to apply to the government of Great Britain to put an end to that part of the treaty of April 7, 1862, which requires of each government to keep up mixed courts, and upon the consent of the government of Great Britain being obtained, then the salaries of all the officers of the United States connected with said courts shall cease.

That amendment was adopted by a vote of 34 to 17.

In the conflict to obtain the commerce of the great nation of China we shall have to contend with England and with other countries. Will not the Emperor of China be told by his counselors, will he not be told by the representatives of other nations at his court, that the Government of the United States have not paid to him that respect which they paid to the government of Great Britain? Will he not be inflamed to discriminate against us in commercial affairs? Can we hope to stand upon an amicable footing with that government in matters of commerce when we have refused to apply to that government the rule which we applied to the government of Great Britain? I believe the Emperor of China will have good cause to complain that the Congress of the United States in treating with him did not give to him the same consideration and respect which it gave to the government of Britain.

I believe, Mr. President, that this result should be brought about by diplomacy. It cannot be urged that there is any immediate necessity for the passage of this bill. It has been said here without contradiction in this debate that the Chinese population on the Pacific slope is decreasing instead of increasing; and when I look at the efforts of the American people to obtain commerce with other nations; when I see members of Congress anxious to put their hands into the Treasury of the people and draw thence subsidies to encourage that commerce, from which we cannot derive one-twentieth, nor one one-hundredth part of the commercial advantages that we can derive from China, I am opposed to anything being done here which cannot but be construed by the Emperor of China into an act of disrespect to him.

Mr. BOOTH. Mr. President, I only desire to make one remark. This amendment proposes to do a thing which the author of it has not told us he thinks ought to be done. Not one in ten of its supporters, if it should have so many, believe that the thing ought to be done which the amendment proposes on its face to accomplish. "*Timeo Danaos et dona ferentes.*"

Mr. INGALLS. Mr. President, I voted against the amendment offered by the Senator from New York when proposed in Committee of the Whole, not because I favored the bill, but because I was opposed to both the bill and the amendment. But being compelled by the action of the Committee of the Whole to choose between a constitutional modification of an existing treaty and what I believe to be a flagrant act of national perfidy and dishonor, I prefer the former, and shall therefore vote for the amendment.

The PRESIDING OFFICER. (Mr. MITCHELL in the chair.) The question is on the amendment of the Senator from New York, [Mr. CONKLING,] on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EATON, (when Mr. BARNUM's name was called.) My colleague [Mr. BARNUM] is paired on this question with the Senator from New Hampshire, [Mr. ROLLINS.]

Mr. WADLEIGH, (when his name was called.) I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were present, I should vote in favor of the amendment.

The Secretary concluded the call of the roll; and the result was announced—yeas 31, nays 33; as follows:

YEAS—31.

Anthony,	Davis of Illinois,	Hoar,	Matthews,
Bruce,	Davis of W. Va.,	Howe,	Maxey,
Burnside,	Dawes,	Ingalls,	Merrimon,
Butler,	Edmunds,	Jones of Florida,	Morrill,
Cameron of Wis.,	Ferry,	Kellogg,	Oglesby,
Cockrell,	Garland,	Kernan,	Randolph,
Conkling,	Hamlin,	McCreery,	Saunders.
Conover,	Hill,	McMillan,	

NAYS—33.

Allison,	Dorsey,	McDonald,	Spencer,
Bailey,	Eaton,	McPherson,	Teller,
Bayard,	Eustis,	Mitchell,	Thurman,
Beck,	Gordon,	Morgan,	Voorhees,
Blaine,	Grover,	Patterson,	Wallace,
Booth,	Hereford,	Plumb,	Windom.
Cameron of Pa.,	Jones of Nevada,	Ransom,	
Coke,	Kirkwood,	Sargent,	
Dennis,	Lamar,	Sharon,	

ABSENT—11.

Barnum,	Johnston,	Saulsbury,	Whyte,
Chaffee,	Paddock,	Shields,	Withers.
Harris,	Rollins,	Wadleigh,	

So the amendment was rejected.

Mr. ANTHONY. I move to amend the bill by striking out all after the enacting clause and inserting the following:

That the President of the United States is hereby requested immediately to give notice to the Emperor of China that so much of the existing treaty between the United States and China as permits the migration of subjects of the Chinese Empire and their domicile in this country is unsatisfactory to the Government of the United States, and, in its judgment, pernicious, and to propose such modifications of said treaty as will correct the evils complained of; said modifications to be made in a new or supplemental treaty to be submitted to the Senate of the United States on or before the 1st day of January, 1880.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. McMILLAN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WADLEIGH, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were present, I should vote "yea." My colleague [Mr. ROLLINS] is paired with the Senator from Connecticut, [Mr. BARNUM.] If my colleague were present he would vote "yea."

The roll-call having been concluded, the result was announced—yeas 26, nays 33; as follows:

YEAS—26.

Anthony,	Davis of Illinois,	Hoar,	Matthews,
Bruce,	Dawes,	Howe,	Maxey,
Burnside,	Edmunds,	Ingalls,	Merrimon,
Butler,	Ferry,	Jones of Florida,	Morrill,
Cameron of Wis.,	Garland,	Kellogg,	Oglesby.
Conkling,	Hamlin,	McCreery,	
Conover,	Hill,	McMillan,	

NAYS—33.

Allison,	Dorsey,	McPherson,	Spencer,
Bailey,	Eaton,	Mitchell,	Teller,
Bayard,	Eustis,	Morgan,	Thurman,
Beck,	Gordon,	Patterson,	Voorhees,
Blaine,	Hereford,	Plumb,	Wallace,
Booth,	Jones of Nevada,	Ransom,	Windom.
Cameron of Pa.,	Kirkwood,	Sargent,	
Coke,	Lamar,	Saunders,	
Dennis,	McDonald,	Sharon,	

ABSENT—16.

Barnum,	Grover,	Paddock,	Shields,
Chaffee,	Harris,	Randolph,	Wadleigh.
Cockrell,	Johnston,	Rollins,	Whyte,
Davis of W. Va.,	Kernan,	Saulsbury,	Withers.

So the amendment was rejected.

Mr. MORRILL. I move to amend the bill by adding at the end of the first section the following proviso:

Provided, That this section shall not apply to any master of a vessel seeking a harbor in stress of weather.

Mr. President, it will be noticed that in section 6 there is an exception of "persons rescued from shipwreck during the voyage of and by the vessel bringing the same within the jurisdiction of the United States;" but it may happen that a vessel may be driven by stress of weather to seek the protection of one of our harbors. I take it there will be no objection to the amendment.

Mr. SARGENT. I suggest a further proviso:

Provided, That he does not seek the harbor for the purpose of discharging his passengers.

I think it would be better to put this provision in the sixth section, which relates to the subject. The amendment also needs to be modified, because any little blow outside of a harbor might give rise to a pretense that the vessel came in there for safety when there might be a thousand coolies on board the vessel, and then if they could be landed it could be done in defiance of this law, and it would be of no advantage.

Mr. ANTHONY. A vessel with a thousand coolies on board must have cleared for some port.

Mr. SARGENT. I should like to have the amendment reported.

The VICE-PRESIDENT. The amendment will be read.

The Secretary read the amendment.

Mr. SARGENT. Let it go.

Mr. THURMAN. Will the Senator from Vermont put his amendment in the sixth section, which already relates to that matter?

Mr. EDMUNDS. Let us have order; we cannot hear what is going on.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

The amendment was agreed to.

Mr. WHYTE. I desire very much to vote for this bill. I have refrained from voting heretofore on most of these amendments, and I desire now to offer an amendment which will express my own views. I do not know whether it will meet with the concurrence of the Senate or not. I offer this amendment to avoid the difficulty which was suggested by negotiation, as proposed by the Senator from New York, in that, at the conclusion of the negotiation, we should have advanced in no particular toward remedying the evils complained of. The amendment which I propose makes this act take effect on the 1st of February, 1880, but in the meanwhile authorizes the President to negotiate with the government of China to modify the treaty, that it may conform to the views expressed by the Legislature in this act; and, if there is a refusal to carry out our views, then the authorities of China are to be informed that the act will be enforced from and after the 1st day of February, 1880. I offer that amendment.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed to strike out the seventh section of the bill and in lieu thereof to insert:

That this act shall take effect on the 1st day of February, 1880; and that in the mean time the President of the United States is hereby requested to give notice to the Emperor of China that so much of the existing treaty between the United States and China as permits the migration of subjects of the Chinese Empire and their domicile in this country is unsatisfactory to the Government of the United States and, in its judgment, pernicious, and to propose such modifications of said treaty as will correct the evils complained of and conform to the terms of this act as far as may be; said modifications to be made in a new or supplemental treaty to be submitted to the Senate of the United States on or before the 1st day of January, 1880. Should the government of China refuse or omit to agree by a change of the existing treaty to such modifications, as aforesaid, then the President of the United States is authorized to inform the Emperor of China that this act shall take effect and be in force upon the said 1st day of February, 1880.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maryland, [Mr. WHYTE.]

Mr. EDMUNDS. Mr. President, one objection to the amendment is that I do not perceive from hearing the provision read that in case the Emperor of China and the President and Senate of the United States should agree upon a treaty (a modification of the existing treaty by a new treaty) it would obviate the objections here made that then this act is not to take effect. The act, it appears, is to go into effect in any case whatever.

Mr. WHYTE. No, the Congress will be in session; and if the treaty is ratified by the Senate, Congress can repeal the law.

Mr. EDMUNDS. Ah, yes, but there are a great many delays, the Senator will see. To make his amendment perfect, I think, to carry out his own idea, there should be provision that if a new treaty upon this subject shall be concluded then this act shall not take effect at all.

Mr. WHYTE. I will add that.

Mr. BLAINE. In other words, the Senator from Maryland proposes that we enact a law and tell the Emperor of China that he has got eight months to agree to that provision by treaty, and if he does not agree to it by treaty the law goes into effect!

Mr. WHYTE. That is more civil than to abrogate the treaty without telling him anything.

Mr. BLAINE. I think it is a great deal more uncivil; I think it is a positive insult to his understanding.

Mr. SARGENT. Another objection to the amendment is, as stated by the Senator from New York yesterday, that the Chinese came in numbers before the Burlingame treaty; they have come under it and they will continue to come if the Burlingame treaty is entirely abrogated. They will come whatever may be the treaty. The only way they can be prevented from coming in such numbers as our people believe endanger the peace and prosperity of the Pacific coast is by affirmative legislation to be enforced in our own courts, as a treaty cannot be enforced, there being no sanctions or penalties to it. That is a conclusive objection to setting aside this legislation for the sanction of a treaty; and therefore I trust the amendment will not be adopted.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maryland, [Mr. WHYTE.]

The amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is on the passage of the bill. Mr. SARGENT and others called for the yeas and nays, and they were ordered.

Mr. EDMUNDS. Before this bill passes, I wish to express my utter abhorrence of the principle that the bill is founded upon, which is that, without negotiation, without notice, without any step that the fair and honest comity which should exist among nations would require to be taken, we take a step of this kind, to undertake to abrogate by legislation a provision of a treaty with a friendly power. So

saying, Mr. President, I have said all that I wish to say, except to add that I hope the Constitution of the United States has yet provided some means by which this measure, that is so odious to me, will fail to become a law, and to say also, (so that it will not be said hereafter that the Senate did not understand penal legislation,) that the penal provisions of this bill are so framed that anybody who prosecutes will find himself in very great difficulties, to put it in a very mild way, in respect of enforcing any penalty whatever, either against a master of a vessel or the vessel itself.

The VICE-PRESIDENT. The question is on the passage of the bill, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EATON, (when Mr. BARNUM's name was called.) My colleague [Mr. BARNUM] is paired with the Senator from New Hampshire, [Mr. ROLLINS.] If my colleague were here, he would vote "yea."

Mr. WADLEIGH, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were present, he would vote "nay." My colleague [Mr. ROLLINS] is paired with the Senator from Connecticut, [Mr. BARNUM.] My colleague would vote "nay," if present.

The roll-call having been concluded, the result was announced—yeas 39, nays 27; as follows:

YEAS—39.

Allison,	Eaton,	McPherson,	Saunders,
Bailey,	Eustis,	Maxey,	Sharon,
Bayard,	Garland,	Mitchell,	Shields,
Beck,	Gordon,	Morgan,	Spencer,
Blaine,	Grover,	Oglesby,	Teller,
Booth,	Hereford,	Paddock,	Thurman,
Cameron of Pa.,	Jones of Nevada,	Patterson,	Voorhees,
Coke,	Kirkwood,	Plumb,	Wallace,
Dennis,	Lamar,	Ransom,	Windom.
Dorsey,	McDonald,	Sargent,	

NAYS—27.

Anthony,	Davis of Illinois,	Hoar,	McMillan,
Bruce,	Davis of West Va.,	Howe,	Matthews,
Burnside,	Dawes,	Ingalls,	Merrimon,
Butler,	Edmunds,	Jones of Florida,	Morrill,
Cameron of Wis.,	Ferry,	Kellogg,	Randolph,
Conkling,	Hamlin,	Kernan,	Withers.
Conover,	Hill,	McCreery,	

ABSENT—9.

Barnum,	Harris,	Rollins,	Wadleigh,
Chaffee,	Johnston,	Saulsbury,	Whyte.
Cockrell,			

So the bill was passed.

EXECUTIVE COMMUNICATION.

Mr. EDMUNDS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. Will the Senator permit the Chair to lay a message before the Senate?

Mr. EDMUNDS. Yes, sir.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting a report from the Secretary of State, and accompanying papers, in relation to the proceedings of the international prison congress held at Stockholm in August last; which was ordered to lie on the table, and be printed.

COMMITTEE SERVICE.

The VICE-PRESIDENT. The Chair, under the order of the Senate, makes the following committee appointments:

To fill the vacancy made by the retirement of Mr. CHRISTIANCY from the Committee on the Revision of the Laws, Mr. HOAR.

To fill the vacancy made in like manner in the Committee on Private Land Claims, Mr. ALLISON.

ORDER OF BUSINESS.

Mr. BAYARD. I wish the Senator from Vermont would withdraw his motion to proceed to the consideration of executive business in order that I may make the motion of which I have given notice for several days past, that the Senate take up for consideration House bill No. 4414 to amend the laws relating to internal revenue.

Mr. EDMUNDS. With great respect and a desire to accommodate my honorable friend, I cannot yield for that purpose. It is highly necessary that there should be an executive session, and that will leave the floor clear on Monday morning for taking up whatever business the Senate think fit, as there will be no unfinished business coming over from to-day. It is very important (and that is all I can say with the open doors) that there should be an executive session.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate now proceed to the consideration of executive business.

Mr. GORDON. Mr. President—

The VICE-PRESIDENT. The motion is not debatable.

Mr. GORDON. I simply want to make an appeal to the Senator from Vermont.

Several SENATORS. A vote is the best appeal.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 41; as follows:

YEAS—25.

Allison,	Blaine,	Cameron of Pa.,	Conover,
Anthony,	Burnside,	Cameron of Wis.,	Davis of Ill.,

Dawes, Dorsey, Edmunds, Ferry, Hamlin,	Hoar, Howe, Kirkwood, McMillan, Matthews,	Morrill, Oglesby, Paddock, Plumb, Teller,	Wadleigh, Windom.
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NAYS—41.

Bailey, Bayard, Beck, Booth, Bruce, Butler, Coke, Davis of W. Va., Dennis, Eaton, Eustis,	Garland, Gordon, Grover, Hereford, Hill, Jones of Florida, Jones of Nevada, Kellogg, Kernan, Lamar, McCreery,	McDonald, McPherson, Maxey, Merrimon, Mitchell, Morgan, Patterson, Randolph, Ransom, Sargent, Saulsbury,	Sharon, Shields, Spencer, Thurman, Voorhees, Wallace, Whyte, Withers.
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ABSENT—9.

Barnum, Chaffee, Cockrell,	Conkling, Harris,	Ingalls, Johnston,	Rollins, Saunders,
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So the motion was not agreed to.

Mr. BAYARD. I move that the Senate now proceed to the consideration of the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. WINDOM. Mr. President, I hope the Senate will not take up the bill moved by the Senator from Delaware. There are but fifteen days of this session left. All of the large and difficult appropriation bills are yet unacted upon. The post-office appropriation bill is now ready and in the hands of the Senator from Arkansas, [Mr. DORSEY,] who desires to take it up for action on Monday morning. If the Senate shall vote down the appropriation bills, it will be impossible to get through this session. The Army appropriation bill will be ready by the time we can act upon the post-office appropriation bill, I have no doubt. The House has already acted on or substantially completed the legislative, executive, and judicial appropriation bill, and that, I think, can be prepared by the Appropriations Committee by the time we can complete the Army bill. The sundry civil appropriation bill is not yet acted upon by the House of Representatives. The large deficiency bill is not acted upon. So that there are the post-office bill, the Army bill, the legislative bill, the sundry civil bill, the deficiency bill, and the river and harbor bill, the six largest, most important, and difficult appropriation bills of the session, yet remaining to be acted upon, and only thirteen working days in which to do it.

Now, Mr. President, I submit to the Senate that if we cannot be permitted to take up this appropriation bill which is ready and proceed with it, we may just as well advertise to the country now and at once that we deliberately propose not to complete the public business at this session.

Mr. BAYARD. Mr. President, there is, as I am advised, but a single appropriation bill prepared for discussion.

Mr. BECK. Only one.

Mr. BAYARD. So far from proposing any antagonism to the regular business of this body, the passage of the proper appropriations for the support of the Government, there is no one in the Senate more anxious, more ready by night or by day to sit here and work to get them passed than I am. I do not propose to antagonize them; that is not the proper word. But here is a bill which has been before the Senate since last June; it passed the House in June last. The effect of its pendency undisposed of has been to paralyze a very important branch of our industry upon which the Government depends for nearly one-third of its revenue. The whole tobacco-growing and manufacturing business throughout the country has really languished because of the condition of legislation; and I feel that no more public and useful purpose can be accomplished at this time than by settling the question of what is to be the stable and proper tax upon this great commodity. I feel it my duty, having been charged by the Committee on Finance to present this bill, in view of the business of the session and the business of the country, to ask for its prompt consideration. I feel justified in that. If the Senator having charge of the appropriation bills shall ask me to sit here by day or by night, he will find me voting for all proper appropriation bills for the support of the Government; but I cannot consent that a bill of this kind, of which notice has been given some weeks ago, shall now be laid aside.

Mr. CAMERON, of Pennsylvania, (at six o'clock and forty-eight minutes p. m.) I move that the Senate adjourn; and on that motion I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the Senator from Connecticut [Mr. BARNUM] on taking up the tobacco bill; and as this might lead to that, I refrain from voting.

Mr. DENNIS, (when his name was called.) I am paired on this question with the Senator from New Hampshire [Mr. ROLLINS] and therefore decline to vote.

Mr. McDONALD, (when his name was called.) I am paired with the Senator from New York, [Mr. CONKLING.] The pair was made understanding that the Senator from Arkansas was determined to bring up the post-office appropriation bill. I therefore decline to vote. If the Senator from New York were present, I should vote "nay."

Mr. TELLER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. EATON.]

The roll-call having been concluded, the result was announced—yeas 21, nays 42; as follows:

YEAS—21.

Allison, Anthony, Blaine, Burnside, Cameron of Pa., Dawes,	Dorsey, Edmunds, Ferry, Hamlin, Hoar, Howe,	Kirkwood, McMillan, Matthews, Morrill, Oglesby, Plumb,	Saunders, Wadleigh, Windom.
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NAYS—42.

Bailey, Bayard, Beck, Booth, Bruce, Butler, Cameron of Wis., Cockrell, Conover, Davis of Illinois,	Eustis, Garland, Gordon, Grover, Hereford, Hill, Jones of Florida, Jones of Nevada, Kellogg, Kernan, Lamar,	McCreery, McPherson, Maxey, Merrimon, Mitchell, Morgan, Paddock, Patterson, Randolph, Ransom, Sargent,	Saulsbury, Sharon, Shields, Spencer, Thurman, Voorhees, Wallace, Whyte, Withers.
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ABSENT—12.

Barnum, Chaffee, Conkling,	Davis of W. Va., Dennis, Eaton,	Harris, Ingalls, Johnston,	McDonald, Rollins, Teller.
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So the Senate refused to adjourn.

The VICE-PRESIDENT. The questions recur on the motion of the Senator from Delaware.

Mr. WINDOM. I want to submit to the Senator from Delaware and those who vote with him a proposition, and that is that we adjourn now, and at half past one o'clock on Monday take the vote antagonizing the appropriation bill and this bill which he has in charge. ["No." "No."]

Mr. WITHERS. We do not want to antagonize the appropriation bill, but we want to take the vote now.

Mr. WINDOM. At half past one on Monday let the vote be taken on the motion of the Senator from Delaware.

Several SENATORS. Now; vote now.

Mr. WINDOM. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota.

Mr. WINDOM. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. Mr. President, I am very sure that there is no Senator in the body from whom more ready co-operation is expected by the Senator from Minnesota in assisting him to press the appropriation bills to a speedy conclusion, than myself. I am very sure he knows that fact, and that there is not the least idea of embarrassing him in his management of those necessary bills. And I know he counts, and counts with safety in his own mind, upon my co-operation with him in that respect; but he can readily see the importance to this vast business interest to which I have referred that this bill should have its status before the Senate and remain there, unless informally it be laid aside for the purpose of allowing an appropriation bill to be considered. Now let it take its place and be the unfinished business, and when the time shall come that an appropriation bill is threatened by the consideration of this bill, it will be time enough for the Senator to speak of antagonism.

Mr. ALLISON. The bill that the Senator from Delaware wishes us to consider is one that evidently has a large majority of this body in its favor. There is hardly a controverted question in it, and I think the Senate will all agree to its provisions except simply upon the rate of tax on tobacco. All the other questions in this bill, although it is a long one, are questions of detail.

Mr. BAYARD. Merely matters of regulation.

Mr. ALLISON. Therefore, the House having reduced the tax, and undoubtedly the Senate will reduce it also by a majority, there will be nothing in this bill which will require the action of a committee of conference. On the contrary, the post-office appropriation bill as it is reported by the Senate Appropriations Committee, as is well known, contains controverted matter, matter which will be seriously controverted probably in this House and in the other. Now, I submit that it is the wisest thing for us to take up the post-office appropriation bill on Monday, and when that is done, we can take up this tax bill and go on with it and finish it. In the mean time the committees of conference can be considering the differences with reference to these important appropriation bills.

Mr. BAYARD. Can it be made the understanding of the Senate that this bill is to be taken up and considered at the end of the post-office appropriation bill?

Mr. EDMUNDS. Not with my consent.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The Chair will remind Senators that the pending motion is the motion of the Senator from Minnesota [Mr. WINDOM] that the Senate proceed to the consideration of executive business; which is not debatable.

Mr. GORDON. I ask the privilege simply of saying one word in reply to the suggestion of my friend, the Senator from Iowa.

The PRESIDING OFFICER. Is there unanimous consent that the Senator may proceed? The Chair hears no objection.

Mr. GORDON. I wish to suggest that it is not at all out of the range of probability that those Senators who are disposed to take up the revenue bill, when the question is presented to them of laying it aside informally to proceed to the consideration of an appropriation bill, will agree to do it. Those things occur every day in our proceedings, and I can see no possible reason why we should not take the revenue bill up at this moment and then, when the chairman of the Committee on Appropriations is ready to bring in his bills, I think he will find an overwhelming majority of the Senate ready to lay it aside informally to take up the appropriation bills.

Mr. WINDOM. I want to say one word before the motion is put. I do not desire to make any factious opposition to this matter. If there is a majority of the Senate who want to take up the revenue bill under the circumstances, there will be not the slightest difficulty in that majority expressing itself on Monday at half past one o'clock.

Mr. COCKRELL. Let us vote now.

Mr. DORSEY. I ask the Senator from Minnesota to allow me to say a word. The Senator from Georgia [Mr. GORDON] has just made a proposition that if this revenue bill is taken up—

Mr. GORDON. I had no authority for making any proposition.

Mr. DORSEY. Then I want to know who has authority? If the Senator in charge of this bill, or other Senators feeling a deep interest in it, desire to have it taken up to-night and informally laid aside on Monday until the post-office appropriation bill can be completed, I have no doubt we can agree to that unanimously.

Mr. EDMUNDS. Not with my consent.

Mr. WITHERS. The Senator from Arkansas knows very well that that can only be done by unanimous consent of the Senate. Now, it has been demonstrated that a clear majority of the whole Senate are in favor of taking up this bill to-night; therefore opposition to it is purely and clearly factious opposition in the face of a clear majority of the whole Senate.

I am as much interested in the passage of the appropriation bills as my friend from Arkansas or the Senator from Minnesota; I have as much individual responsibility for the passage of those bills as either of them, and I will do as much to secure their passage; but the revenue bill is to me and my constituents and, I say further, to the whole country, a bill of far greater importance than the passage of appropriation bills. My friend who sits in front of me [Mr. ALLISON] is clearly mistaken in his supposition that there is no possibility that it will require a conference committee. Important amendments are reported by the Senate Committee on Finance to this bill, which are not in accordance with what were the views of a majority of the House when the bill was before them for consideration. Therefore all the chances are in favor of the necessity of a conference committee, and this bill is so important a one that its passage is eminently necessary and proper. There is no question but that we shall get the appropriation bills through; there is no difficulty about that. There is great doubt whether we can even get this bill through now in time to make it effective in order that the wheels of trade, which are now blocked up, may be unloosed, that thousands of operatives now starving in the country may be fed, and that the price of a commodity, which is now much less than the cost of production, may be raised to such a price as to enable the planter to get a living profit and the Government to derive a revenue from it.

Mr. DORSEY. The Senator from Delaware stated a few moments ago that he would be the first or among the first in the Senate who would at any time when appropriation bills were ready to be considered, join others on this side or on his own side to take up the appropriation bills in preference to any other business pending. Here an appropriation bill has been lying on my desk since last Tuesday morning, nearly a whole week, and I have been endeavoring every day to get the attention of the Senate to call that measure up for action, I have not been able to do it. The week's time has been occupied, two days of it, upon a question about a library, which, after two days' discussion was left just where it began, and the rest of the week has been occupied by the bill in regard to Chinese immigration. I do not think much has been accomplished in that way. Now, at a late hour Saturday night, after a whole week has been wasted, the proposition is voted down almost two to one to take up one of the great appropriation bills for consideration, not for the purpose of action on it to-night, but for consideration at an early day next week.

Mr. EDMUNDS. But, then, the Senator from Arkansas ought to remember that the United States can get along without an appropriation bill much better than they can get along without tobacco. We can stop all the service in the United States everywhere, and as long as we have a pipe to smoke of course we shall be satisfied.

Mr. WITHERS. I spoke of this particular appropriation bill which is now urged, and I will say to the Senator from Arkansas that if he had brought up that appropriation bill when it was first reported to the Senate I should have stood by him.

Mr. HOAR. I call for the regular order.

The PRESIDING OFFICER. The regular order is the motion made by the Senator from Minnesota [Mr. WINDOM] that the Senate do now proceed to the consideration of executive business. The motion of course is not debatable, the regular order being called for.

Mr. VOORHEES. Why has it been debated for the last half hour?

The PRESIDING OFFICER. It was by unanimous consent. The Senator from Massachusetts now objects.

Mr. HOAR. I do not wish to call the regular order on the Senator from Indiana.

Mr. HEREFORD. Let us have the regular order. I object to anything else.

Mr. VOORHEES. I object.

The PRESIDING OFFICER. One objection was sufficient to inform the Chair what was desired. Upon this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. HOWE.] If he were here, he would vote "yea" and I should vote "nay."

Mr. McDONALD, (when his name was called.) I am paired with the Senator from New York, [Mr. CONKLING.] If he were present, I should vote "nay."

Mr. TELLER, (when his name was called.) On this subject I am paired with the Senator from Connecticut, [Mr. EATON.] If he were present, I should vote "ay."

The Secretary concluded the calling of the roll.

Mr. BAILEY. My colleague [Mr. HARRIS] is paired with the Senator from Wisconsin, [Mr. CAMERON.]

The result was announced—yeas 20, nays 33; as follows:

YEAS—20.			
Allison,	Conover,	Hoar,	Paddock,
Anthony,	Dawes,	McMillan,	Plumb,
Blaine,	Edmunds,	Matthews,	Saunders,
Burnside,	Ferry,	Morrill,	Wadleigh,
Cameron of Pa.,	Hamlin,	Oglesby,	Windom.
NAYS—33.			
Bailey,	Garland,	McPherson,	Sharon,
Bayard,	Gordon,	Maxey,	Shields,
Beck,	Grover,	Merrimon,	Spencer,
Booth,	Hereford,	Mitchell,	Thurman,
Bruce,	Hill,	Morgan,	Voorhees,
Butler,	Jones of Florida,	Patterson,	Wallace,
Cockrell,	Jones of Nevada,	Randolph,	Whyte,
Coke,	Kernan,	Ransom,	Withers.
Dorsey,	Lamar,	Sargent,	
Enstis,	McCreery,	Saulsbury,	
ABSENT—17.			
Barnum,	Davis of West Va.,	Ingalls,	Rollins,
Cameron of Wis.,	Dennis,	Johnston,	Teller.
Chaffee,	Eaton,	Kellogg,	
Conkling,	Harris,	Kirkwood,	
Davis of Illinois,	Howe,	McDonald,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from Delaware, [Mr. BAYARD.]

Mr. WINDOM. I shall make no further resistance to a vote upon this question, but I give notice that unless the tobacco bill is disposed of to-night, or by half past one o'clock on Monday, I shall then move to take up the post-office appropriation bill.

Mr. WITHERS. If you stand by us now, we will take up the tobacco bill and dispose of it to-night.

Mr. EDMUNDS. I ask for the yeas and nays on the motion of the Senator from Delaware.

The yeas and nays were ordered.

Mr. DORSEY. Mr. President, with the expectation that the friends of this measure, and I am one of that number, will remain here to-night and finish this bill. I shall vote to take it up. ["Oh, no."]

The Secretary proceeded to call the roll.

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were here, I should vote "yea."

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. HOWE.]

Mr. McDONALD, (when his name was called.) I was paired with the Senator from New York, [Mr. CONKLING;] but the pair does not extend to this motion, so I vote "yea."

Mr. TELLER, (when his name was called.) I am paired with the Senator from Connecticut [Mr. EATON] on this subject. If he were present, I should vote "nay."

The Secretary concluded the roll-call.

Mr. DENNIS. I am paired on this question with the Senator from New Hampshire, [Mr. ROLLINS.] I should vote in the affirmative if he were here.

The result was announced—yeas 41, nays 18; as follows:

YEAS—41.			
Bailey,	Garland,	McDonald,	Sharon,
Bayard,	Gordon,	McPherson,	Shields,
Beck,	Grover,	Maxey,	Spencer,
Booth,	Hereford,	Merrimon,	Thurman,
Bruce,	Hill,	Mitchell,	Voorhees,
Butler,	Ingalls,	Morgan,	Wallace,
Cockrell,	Jones of Florida,	Patterson,	Whyte,
Coke,	Jones of Nevada,	Randolph,	Withers.
Conover,	Kernan,	Ransom,	
Dorsey,	Lamar,	Sargent,	
Enstis,	McCreery,	Saulsbury,	
NAYS—18.			
Allison,	Edmunds,	McMillan,	Saunders,
Blaine,	Ferry,	Matthews,	Wadleigh,
Burnside,	Hamlin,	Morrill,	Windom.
Davis of Illinois,	Hoar,	Oglesby,	
Dawes,	Kirkwood,	Plumb,	

ABSENT—16.

Anthony,	Chaffee,	Eaton,	Kellogg,
Barnum,	Conkling,	Harris,	Paddock,
Cameron of Pa.,	Davis of W. Va.,	Howe,	Rollins,
Cameron of Wis.,	Dennis,	Johnston,	Teller.

So the motion was agreed to.

INTERNAL-REVENUE LAWS.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. WHYTE. I move that the Senate do now adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays.

Mr. THURMAN. Will my friend withdraw the motion for a moment?

Mr. WHYTE. For a moment.

Mr. EDMUNDS. I have called for the yeas and nays.

Mr. KERNAN. I hope the yeas and nays will not be ordered.

Mr. THURMAN. I wish to—

Mr. EDMUNDS. I rise to a point of order. I object to debate until the Chair takes the question on ordering the yeas and nays.

The PRESIDING OFFICER. The Senator from Maryland moves that the Senate do now adjourn.

Mr. THURMAN. He has withdrawn the motion.

Mr. WHYTE. I withdraw it temporarily.

Mr. EDMUNDS. Very well, it is withdrawn. Let us hear the bill read, then, Mr. President.

Mr. THURMAN. I only wish to express the hope that it will suit the convenience of the Senate to consider this bill to-night; because we had certainly much better have a night session now, having the whole of to-morrow to rest, than have a night session on Monday and come here Tuesday overwhelmed with fatigue.

Mr. COCKRELL. Let the bill be read.

The PRESIDING OFFICER. The bill is now before the Senate as in Committee of the Whole. It will be reported by the Secretary.

Mr. VOORHEES. Do I understand that it is the purpose of anybody to proceed with the consideration of the revenue bill, reported from the Committee on Finance, to-night at this hour?

The PRESIDING OFFICER. The Senate by a very decided vote has taken it up.

Mr. VOORHEES. That might be, and yet the consideration of it be postponed to a more auspicious hour than now.

Mr. EDMUNDS. I am very sorry to call my honorable friend to order. No debate is in order until we have the bill read.

The PRESIDING OFFICER. The Chair is aware of that.

Mr. DAVIS, of Illinois. I move that the Senate adjourn.

Mr. VOORHEES. I understood the Senator from Maryland to move that the Senate adjourn.

The PRESIDING OFFICER. That motion was withdrawn.

Mr. VOORHEES. I renew it. I will not, I say, enter upon the consideration of so grave, so important—

Mr. EDMUNDS. I must call my honorable friend to order. We cannot have any debate until the bill is read.

Mr. DAVIS, of Illinois. Is not a motion to adjourn in order?

The PRESIDING OFFICER. It is.

Mr. DAVIS, of Illinois. I make a motion to adjourn. We cannot finish the bill to-night, and it is too late to have it read.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Vermont calls for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. BARNUM.]

Mr. WITHERS, (when the name of Mr. CAMERON, of Pennsylvania, was called.) I am requested to announce that the Senator from Pennsylvania [Mr. CAMERON] is paired on this question with the Senator from Massachusetts, [Mr. DAWES.] The Senator from Pennsylvania [Mr. CAMERON] would vote "yea" and the Senator from Massachusetts [Mr. DAWES] would vote "nay," if present.

The Secretary resumed and concluded the roll-call; and the result was announced—yeas 19, nays 39; as follows:

YEAS—19.

Allison,	Coke,	Ingalls,	Saunders,
Anthony,	Davis of Illinois,	McDonald,	Voorhees,
Blaine,	Ferry,	Matthews,	Wadleigh,
Booth,	Hamlin,	Morrill,	Whyte.
Burnside,	Hoar,	Saulsbury,	

NAYS—39.

Bailey,	Gariand,	McMillan,	Randolph,
Bayard,	Gordon,	McPherson,	Ransom,
Beck,	Grover,	Maxey,	Sargent,
Bruce,	Hereford,	Merrimon,	Shields,
Butler,	Hill,	Mitchell,	Spencer,
Cameron of Wis.,	Jones of Florida,	Morgan,	Thurman,
Cockrell,	Kernan,	Oglesby,	Wallace,
Conover,	Kirkwood,	Paddock,	Windom,
Dorsey,	Lamar,	Patterson,	Withers.
Edmunds,	McCreery,	Plumb,	

ABSENT—17.

Barnum,	Dawes,	Howe,	Sharon,
Cameron of Pa.,	Dennis,	Johnston,	Teller.
Chaffee,	Eaton,	Jones of Nevada,	
Conkling,	Eustis,	Kellogg,	
Davis of W. Va.,	Harris,	Rollins,	

The PRESIDING OFFICER. The Senate refuses to adjourn, and the Secretary will proceed with the reading of the bill.

The Secretary began to read the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. EDMUNDS. I rise to a point of order. We are unable to hear this bill. We must have order here.

The PRESIDING OFFICER. The Secretary will suspend until order is restored in the Chamber. [A pause.] The reading will proceed. Shall the amendments proposed by the Committee on Finance be acted upon as they are reached in the reading?

Mr. EDMUNDS. No, Mr. President, I want the bill read through straight.

The PRESIDING OFFICER. The bill will be read through straight.

The Secretary resumed the reading of the bill. Having proceeded for some time—

Mr. VOORHEES. Allow me to make a suggestion. This is a House bill. It comes here, having passed the House, and I hope it may be considered sufficient that the amendments reported from the Finance Committee be read without reading the whole bill.

Mr. EDMUNDS. That will not do. We have never passed a bill, I believe, in this body—if we did we made a mistake—that was not read, and particularly a revenue bill.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

The Secretary resumed the reading of the bill. Having proceeded for some time—

Mr. EDMUNDS. I notice that in spite of our disposition to stay there are not ten Senators listening. I move that the Senate adjourn.

The motion was agreed to; and (at seven o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 15, 1879.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

RETURN OF SENATE BILL.

The SPEAKER laid before the House the following communication from the Senate:

IN SENATE OF THE UNITED STATES,
February 14, 1879.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill No. 5477 to authorize the issue of certificates of deposit in aid of the refunding of the public debt.

The SPEAKER. Similar requests on the part of the Senate have uniformly been complied with, and if there be no objection the bill will be returned to the Senate.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. ATKINS moved that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. ATKINS. I neglected while in the House to say that I would be glad to have a session this evening at half past seven o'clock, taking a recess from half past four, to consider the legislative appropriation bill.

Mr. O'NEILL. We had better sit until half past five o'clock this evening, and we will accomplish, I think, more business.

Mr. HALE. I understand the chairman gives notice that he will move at half past four to take a recess until half past seven o'clock.

Mr. ATKINS. If the committee prefer to go back the House may arrange it. It can be done in a moment.

The CHAIRMAN. It had better be done in the House.

Mr. ATKINS. Then I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DURHAM having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

Mr. ATKINS. I desire to meet the views of the House this morning, if I can ascertain what they are. I should prefer to go on and get through this bill to-day. In order that we may arrive at something like conclusion on this subject, I suggest we sit until four o'clock this evening and then take a recess until half past seven.

Mr. O'NEILL. I suggest to the gentleman it be understood the House shall sit until six o'clock, and in the hour and a half between half past four and six o'clock we can get through more work and

more satisfactorily than if we take a recess and return here at half past seven o'clock.

Mr. MILLS. Our experience of night sessions has not been very satisfactory. Half of the sitting often passes before we get a quorum.

Mr. O'NEILL. I think that even in one hour, from half past four to half past five, we would do more business than by having an evening session.

Mr. ATKINS. For my own part, I have no objection whatever to adopting the suggestion of the gentleman from Pennsylvania.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee withdraw his motion?

Mr. HALE. It is proposed, as I understand, that we agree to stay here until six o'clock?

The SPEAKER *pro tempore*. If there be no objection, it will be understood that the House will continue its session until six o'clock, if necessary, in the consideration of this bill.

Mr. DUNNELL. Unless an earlier adjournment should take place.

The SPEAKER *pro tempore*. Of course; the House can control its own action at any time. The Chair hears no objection to the proposed understanding.

Mr. ATKINS. I desire also to ask unanimous consent of the House, that when in the consideration of the bill we reach the judicial portion we pass over it informally and go through the rest of the bill and then recur to that portion, as amendments may be offered on which there may be considerable difference of sentiment.

Mr. HALE. All rights being reserved in regard to amendments to that portion of the bill?

Mr. ATKINS. Of course. I now move that the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of continuing the consideration of the legislative, executive, and judicial appropriation bill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The pending paragraph was the following:

General Land Office:

For the Commissioner of the General Land Office, \$4,000; chief clerk, \$2,000; law clerk, \$2,000; recorder, \$2,000; three principal clerks, at \$1,800 each; five clerks of class 4; eighteen clerks of class 3; thirty-five clerks of class 2; sixty-five clerks of class 1; twenty-six clerks, at \$1,000 each; one draughtsman, \$1,600; one assistant draughtsman, \$1,400; five assistant messengers; eight laborers; and two packers; in all, \$219,520: *Provided*, That the Secretary of the Interior, in his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piecework, or by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of \$900 per annum.

The CHAIRMAN. An amendment is pending offered by the gentleman from Minnesota [Mr. DUNNELL] to strike out in line 1507 "eighteen" and insert "twenty-two;" so that it will read "twenty-two clerks of class three."

Mr. SHALLENBERGER. I offer as a substitute for the amendment what I send to the desk.

The Clerk read as follows:

Strike out all of the paragraph after the word "each," in line 1506, down to the proviso in line 1514, and insert the following:

Six clerks of class 4; twenty-two clerks of class 3; forty clerks of class 2; eighty clerks of class 1; 30 clerks at \$1,000 each; nine copyists; one draughtsman at \$1,600; one assistant draughtsman at \$1,400; nine assistant messengers; six packers; and 12 laborers.

Mr. ATKINS. There has been such universal pressure by western members upon the Committee on Appropriations, and also by the Commissioner of the General Land Office, that the Committee on Appropriations, having considered yesterday the amendment that has just been offered, have agreed to accept it.

The question being taken on the substitute offered by Mr. SHALLENBERGER, it was agreed to.

Mr. EDEN. I offer as an amendment, to come in after the amendment that has just been adopted, the following:

Provided, That no clerk in any Department of the Government shall be appointed on the recommendation of any member of Congress; and the heads of the several Departments are hereby required to make the necessary rules and regulations to carry this provision into effect.

Mr. HAYES. Does the gentleman offer that because he does not expect to be a member of the next House?

Mr. EDEN. I offer it because I want to relieve gentlemen who are to be members of the House from the pressure for the appointment of clerks.

Mr. O'NEILL. The gentleman is very kind; but there are some gentlemen here who do not want to be relieved in that respect.

Mr. EDEN. I think it will be for the benefit of the public service that they shall all be relieved of it.

Mr. O'NEILL. I differ from the gentleman. I think I can recommend gentlemen to the Departments who are fit to fill clerkships there, and I do not want to be deprived of the liberty of doing that if I see fit for any of my constituents.

Mr. CONGER. I desire to offer an amendment in the form of a proviso that this shall only apply to members of the present Congress. That will relieve members perhaps who are sensitive on that point as to their duties in this regard.

Mr. EDEN. Mr. Chairman—

Mr. CONGER. One moment. I myself always feel at perfect liberty to make recommendations of this character; but the proviso which I offer will probably relieve the consciences of gentlemen who have a different sense of duty during the remaining three weeks of this Congress. I think we can intrust to those who are to come after us the controlling of their own action and prevent their running wild after appointments without preparing a law for that purpose. Now I yield to the gentleman.

Mr. EDEN. Is the gentleman through? I propose to speak in my own time.

Mr. CONGER. I yield the floor, then. I want to be courteous in some way.

Mr. EDEN. I am greatly obliged to the gentleman for his unusual courtesy. I will state that I do not offer this amendment at all for the purpose of relieving the conscience of the gentleman from Michigan. I have no doubt that is all right; but I offer this amendment, in the first place, because I believe it will be for the advantage of the public service that these clerks in the Departments should be appointed without the intervention of members of Congress. And I believe further that if this amendment should be adopted and become a part of the law of the land we will not need so many clerks here in the Departments as we need now.

Members of Congress, I presume, have a great many applications for appointments of clerks, and I presume that they present those applications and that the heads of Departments do not very much like to disoblige members of Congress. Therefore I think it would be better for the public service that members of Congress should neither have the responsibility nor the trouble of going to the Departments to inquire after or see after or to make recommendations in reference to the appointment of clerks in those Departments.

I believe, Mr. Chairman, that the head of the Department can adopt the necessary rules and regulations to carry into effect the amendment which I have offered, and it will go a long way toward carrying out the doctrine of the present administration, and in which the gentleman from Michigan will no doubt give his efficient aid in favor of civil-service reform.

Mr. DUNNELL. I would like to ask the gentleman from Illinois whether he speaks from experience in this matter?

Mr. EDEN. In what regard?

Mr. DUNNELL. In asking appointments.

Mr. EDEN. I have not sought any.

Mr. BUCKNER. I desire to say that I am in favor of this amendment, entirely in favor of it.

Mr. ATKINS. Does the gentleman offer an amendment?

Mr. BUCKNER. I move to strike out the last word. There certainly is no necessity, so far as the Interior Department is concerned, that members of Congress should recommend anybody. Why? Because in that Department, which is an exception to all others, the rules of civil-service reform are rigidly enforced, and no one can get an appointment unless he goes through a competitive examination, no matter by whom he may be indorsed. My information is that in that Department every clerk above the grade of copyist is required to pass an examination as to his fitness for the office he seeks to fill. I know the fact that there is a petition here for damages against the Government for inducing a man to come here from Saint Louis and stand examination. I say that as a rule in that Department there must be an examination before appointment, as no member of Congress can secure appointments.

Mr. RYAN. What, then, is the necessity for this amendment? Is there any danger of members of Congress imposing improper persons upon the Departments?

Mr. HAYES. I hope that the chairman of the Committee on Appropriations will adhere to the rule that he adopted the other day, and not allow members to make more than two speeches on any of these amendments. If we start out this morning with so much talk, we shall not make any progress.

Mr. ATKINS. I call for a vote upon this amendment.

Mr. MILLS. I desire to offer an amendment to go in immediately after the pending amendment.

Mr. CONGER. I offered an amendment to the pending amendment.

The CHAIRMAN. The gentleman did not reduce it to writing.

Mr. CONGER. Neither was I required to do so.

The CHAIRMAN. The Chair will entertain the amendment to the amendment, offered by the gentleman from Michigan, provided that he will furnish it in writing to the Clerk.

Mr. MILLS. While the gentleman is reducing his amendment to writing, let the committee vote on my amendment.

Mr. CONGER. Let the committee wait until I write my amendment.

Mr. MILLS. I do not think we ought to be required to wait so long.

Mr. CONGER. I now submit my amendment in writing.

The Clerk read the amendment, as follows:

Provided further, That this provision shall only apply to applications recommended by members of the Forty-fifth Congress.

The question was taken on the amendment offered by Mr. CONGER; and it was not agreed to.

Mr. MILLS. I offer the following amendment:

Add to the pending paragraph the following:

And provided further, That all appointments of clerks in said Departments shall

be made from persons who reside in States that have the least number of employes in the same.

Mr. PATTERSON, of New York. Suppose the State of New York has twenty employes in that Department and the State of Oregon has eighteen, are you going to give more clerks to Oregon than to New York? I do not object at all to the appointment of clerks from Oregon; but bear in mind that there should be some proportion about this matter.

Mr. WILLIAMS, of Oregon. Would not the gentleman from New York be willing that the distribution shall be *pro rata*?

Mr. PATTERSON, of New York. Undoubtedly; I shall have no objection that the distribution shall be according to population.

Mr. MILLS. I will accept that modification.

Mr. DURHAM. Let them be distributed according to representation in Congress.

Mr. O'NEILL. I would suggest to the gentleman whether he does not think that, instead of being appointed *pro rata*, they should be appointed in accordance with the energy and perseverance of those who seek them, because I think the man who is energetic and persevering would make a good officer.

Mr. MILLS. That would apply only to Pennsylvania.

The question was taken on the amendment to the amendment; and it was agreed to.

Mr. O'NEILL. I wish to put in a proviso that no clerk shall be discharged under this provision—

The CHAIRMAN. The Chair will not accept or entertain any amendment that is not in writing.

Mr. O'NEILL. I will offer it in writing.

Mr. FRYE. I hope the amendment will be read again. It seems to me a matter of the greatest importance to a country of forty-five millions of people who shall have these clerkships, and I desire to understand it more distinctly.

The amendment was again read.

Mr. FRYE. Why not include in that provision all postmasters, collectors, and employes in the custom-houses, in fact every employe of the Government of the United States?

Mr. EDEN. We will put that in at the proper place.

Mr. TOWNSEND, of Ohio. I suppose that it is perfectly well understood that there is nothing in this amendment which will interfere with Senators making recommendations. By it we will simply remit to them the control of appointments.

Mr. EDEN. Senators are members of Congress.

Mr. HANNA. It does seem to me the offering and adoption of an amendment of this character is placing a very poor estimate upon the members who are selected to represent the people. The idea that a Representative of the people may have no voice in saying to one of the heads of the Departments that this or that constituent of his is worthy of appointment as a clerk is simply an insult to the intelligence of every man with intelligence enough to represent the people.

The question was taken upon the amendment as amended; and upon a division there were—ayes 36, noes 64.

No further count being called for, it was not agreed to.

Mr. MCKINLEY. I offer the following as an addition to the pending paragraph:

That no appointments hereafter shall be made in the House of Representatives upon the recommendation of members of Congress; and the employes of the House shall hereafter be equitably divided among the States according to population.

Mr. ATKINS. I did not vote for the other amendment, and I make the point of order upon this amendment that it is not germane to the pending paragraph.

Mr. FOSTER. It is also new legislation and not in the interest of economy.

Mr. MCKINLEY. I supposed that the chairman of the Committee on Appropriations [Mr. ATKINS] would not object to this amendment.

The CHAIRMAN. He does object and makes a point of order upon it. Does the gentleman from Ohio [Mr. MCKINLEY] desire to be heard upon the point of order.

Mr. MCKINLEY. I have nothing to say.

Mr. FRYE. I hope the gentleman from Tennessee [Mr. ATKINS] will withdraw his point of order, because Maine is a little State away up in the northeastern part of the country and has no employes here and wants a chance. [Laughter.]

Mr. DURHAM. And I suppose has none in the Departments either. [Renewed laughter.]

Mr. EDEN. The object of this amendment I suppose is to give Ohio a fair chance, as it is well known she has no appointments. [Laughter.]

The CHAIRMAN. The gentleman from Tennessee raises the point of order that the proposed amendment is not germane to the subject-matter of the pending paragraph, and that it is new legislation and not in the interest of economy. The Chair sustains the point of order and rules out the amendment.

The Clerk read the following:

For diagrams, furniture, and repairs of the same, miscellaneous items, including two of the city newspapers, to be filed and bound, and preserved for the use of the office; for the actual expenses of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct; and for advertising and telegraphing, \$25,000.

Mr. FULLER. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

Surveyors-general and their clerks:

For compensation of surveyor-general of Louisiana, \$1,800; and for the clerks in his office, \$4,000.

For surveyor-general of Florida, \$1,800; and for the clerks in his office, \$2,000.

For surveyor-general of Minnesota, \$2,000; and for the clerks in his office, \$3,000.

For surveyor-general of the Territory of Dakota, \$2,000; and for the clerks in his office, \$4,500.

For surveyor-general of the State of Colorado, \$2,500; and for the clerks in his office, \$3,500.

For surveyor-general of the Territory of New Mexico, \$2,500; and for the clerks in his office, \$6,000.

For surveyor-general of California, \$2,750; and for the clerks in his office, \$11,000.

For surveyor-general of the Territory of Idaho, \$2,500; and for the clerks in his office, \$2,500.

For surveyor-general of Nevada, \$2,500; and for the clerks in his office, \$3,000.

For surveyor-general of Oregon, \$2,500; and for the clerks in his office, \$4,500.

For surveyor-general of the Territory of Washington, \$2,500; and for the clerks in his office, \$4,000.

For surveyor-general of Nebraska and Iowa, \$2,000; and for the clerks in his office, \$3,000.

For surveyor-general of the Territory of Montana, \$2,750; and for the clerks in his office, \$3,000.

For surveyor-general of the Territory of Utah, \$2,750; and for the clerks in his office, \$3,000.

For surveyor-general of the Territory of Wyoming, \$2,750; and for the clerks in his office, \$3,500.

For surveyor-general of the Territory of Arizona, \$2,750; and for the clerks in his office, \$3,000.

Mr. ATKINS. I will reserve any points of order on that amendment until I can hear the gentleman.

Mr. FULLER. It is an exact copy of the appropriation bill of the last session of Congress. I suppose it will present a test question to the Committee of the Whole upon this subject of surveys, unless it should be ruled out upon the point of order.

Mr. PAGE. I would like to have the gentleman who makes the point of order state what it is.

Mr. WILLIAMS, of Oregon. I desire to ask the gentleman from Indiana [Mr. FULLER] a question. Are the sums named in his amendment the same as are contained in the appropriation bill of last session?

Mr. FULLER. They are the same.

Mr. PAGE. The amendment offered by the gentleman from Indiana [Mr. FULLER] is for the purpose of making appropriations provided for now by existing law. It seems to me proper that his amendment should be adopted in this portion of the bill; it certainly is germane to it.

The law now provides for surveyors-general for sixteen States and Territories. The amendment offered by the gentleman from Indiana provides in this bill appropriations for their salaries and the expense of their offices. Unless this House has determined that these offices shall be abolished, it seems to me that this is the proper place to propose the amendment and test the sense of the House whether it will make appropriations to carry out existing laws or not. I would like to hear the gentleman from Tennessee state what his point of order is upon this amendment, and I will yield to him for that purpose.

Mr. ATKINS. Let the gentleman first conclude his remarks.

Mr. PAGE. I do not think I have anything more to say upon the merits of the amendment offered by the gentleman from Indiana, [Mr. FULLER.] It is in pursuance of existing law, and it is very proper that it should come in here, if this House proposes to make an appropriation this year for surveyors-general of sixteen States and Territories.

Mr. ATKINS. It is true that the provision embraced in the amendment offered by the gentleman from Indiana [Mr. FULLER] has usually come in in this portion of the bill. But in the bill now before the committee legislation is provided upon the subject of surveyors-general. Further on in the bill, on page 82 of the printed bill, that proposed legislation begins. Now, if we wish to economize time and get through with this bill to-day, I think it would be better to take up the subject when it is reached in this bill, and not now inject a proposition into the bill and have a discussion upon it, and then another discussion upon the same subject when we get to the other portion of the bill.

Mr. PAGE. Will the gentleman from Tennessee then agree that, if the provisions on pages 82, 83, and 84, changing the existing laws in relation to the public lands should be ruled out of order, he will permit the amendment now offered by the gentleman from Indiana to come in there?

Mr. ATKINS. I will agree, as a matter of course, to anything that the Committee of the Whole may do. I cannot help myself so far as that is concerned. But in answer to the gentleman from California [Mr. PAGE] it will be very proper for me to say that if the suggestion of the gentleman from Indiana should be adopted, if the Committee of the Whole should decide to re-enact the legislation heretofore adopted on this subject, then it would be very proper to go back and insert that amendment at the place he now proposes, because that is the place where it has usually been inserted heretofore. But that question can be determined when we reach the general subject. I hope for the sake of economizing time that the gentleman from California and the gentleman from Indiana will agree that this disposition shall be made of the amendment.

Mr. PAGE. But when we reach the portion of the bill to which the gentleman from Tennessee refers he may make a point of order that the amendment is not germane to that portion of the bill, and may

object to going back. If the gentleman will agree that the amendment of the gentleman from Indiana shall be in order when we reach that part of the bill—

Mr. ATKINS. I cannot make a point of order upon it at any rate, because it is already a part of the law. I do not expect to make any point of order on it.

Mr. FOSTER. I think these gentlemen do not quite understand each other. I think the gentleman from California desires that when we reach the sections relating to surveys, if they should go out upon a point of order or be defeated by the Committee of the Whole, he shall have the privilege of moving this amendment.

Mr. ATKINS. Certainly, if the legislation we propose shall go out upon a point of order.

Mr. FOSTER. Or be defeated.

Mr. ATKINS. Or be defeated; certainly.

Mr. PAGE. The gentleman from Indiana [Mr. FULLER] who is the chairman of the Committee on Public Lands can speak for himself.

Mr. FULLER. I suggest to the chairman of the Committee on Appropriations that this question of surveyors-general—

Mr. EDEN. I rise to a question of order. I understood the gentleman from Tennessee to reserve a point of order on the amendment of the gentleman from Indiana. Certainly it is not now in order to offer an amendment to a paragraph which we have not reached. This is offered as an amendment to the bill, and it must of necessity be an amendment to the proposed legislation commencing on page 82. Consequently, although the amendment might be in order at that point, it is clearly not in order now. We cannot amend a paragraph of this bill until that paragraph is reached.

Mr. ATKINS. The gentleman from Illinois [Mr. EDEN] is entirely mistaken. I did reserve a point of order; but I am satisfied now that no point of order lies against the amendment, because it is proposed to insert it just where a similar provision stands in the existing law. Consequently it is in accordance with law.

Mr. FOSTER. Then let us take the vote now.

Mr. ATKINS. But in order to economize time I appeal to the gentleman from Indiana to let this question come up when the general subject comes up in connection with the provisions on pages 82, 83, and 84, of this bill. The amendment shall not be prejudiced if those provisions are defeated or ruled out of order.

Mr. FOSTER. That is right.

Mr. GARFIELD. Allow me to make a suggestion. Suppose that the sections touching the question of surveys should finally be struck out by the committee; then here is the appropriate place to insert the provision which has usually been inserted in the law.

Mr. ATKINS. I shall be perfectly willing to go back.

Mr. GARFIELD. The gentleman from Indiana having offered the amendment to come in here, I suggest that by unanimous consent we allow it to remain pending till we reach those other sections.

Mr. ATKINS. I am very willing to agree to that.

Mr. GARFIELD. If those sections are struck out, then we can come back to this amendment.

The CHAIRMAN. If there be no objection—

Mr. DUNNELL. The gentleman from Indiana does not, as I understand, consent to that arrangement. The Chair was about to declare that by unanimous consent the amendment offered by the gentleman from Indiana might be considered pending—

The CHAIRMAN. The gentleman is totally mistaken; the Chair was not about to make that announcement.

Mr. DUNNELL. It is very difficult for me to see how any time will be lost by settling this question right here and now. We have as full an attendance of members as there will be at any time during the day. If we adopt the amendment of the gentleman from Indiana those other sections are knocked out of the bill; have fallen by their own weight.

Mr. ATKINS. Not altogether.

Mr. DUNNELL. We may just as well settle the question here, as this is the proper place for the insertion of the amendment if it is to be adopted at all.

Mr. ATKINS. I beg to remind the gentleman from Minnesota [Mr. DUNNELL] that the sections which have been inserted in this bill by the Committee on Appropriations, beginning on page 82, embrace other subjects than that to which the amendment of the gentleman from Indiana relates—the office of surveyor-general and the expenses of the office. For instance, there is a proposition to create a directory of the geological survey; there is a proposition to dispense with the survey under Powell, Hayden, and Wheeler; there is a proposition to raise a commission for the purpose of making recommendations to Congress on this subject. All these subjects are embraced in this proposed legislation. I hope the gentleman from Indiana will consent to the fair proposition made by the gentleman from Ohio, [Mr. GARFIELD.]

The CHAIRMAN. Does the gentleman from Indiana withdraw his amendment?

Mr. PATTERSON, of Colorado. Let me say here to the chairman of the committee—

Mr. ATKINS. Go on.

Mr. PATTERSON, of Colorado. One of the reasons why the amendment is offered at this place is this: it is clear as the bill progresses a great deal of time will be consumed, and it might be the wish of the

Committee on Appropriations either to limit debate or to do away with debate altogether before we reach that portion of the bill. All we ask, therefore, is there shall be no interference with debate on this proposition when it is reached.

Mr. ATKINS. The usual debate.

The CHAIRMAN. Unless there be objection the amendment of the gentleman from Indiana will be passed for the present, not to interfere with his right to offer it at the proper place.

Mr. DUNNELL. No, it is to be considered as pending.

Mr. GARFIELD. Yes, that is the understanding.

The CHAIRMAN. Unless there be objection the amendment will be considered as pending.

Mr. WILLIAMS, of Oregon, objected, and subsequently withdrew his objection.

Mr. FULLER's amendment was passed for the present, but considered as pending.

The Clerk read as follows:

Pension Office:

For compensation of the Commissioner of Pensions, \$4,000; chief clerk, \$2,250; medical referee, \$2,250; twenty-six clerks of class 4, (five of whom may act as chiefs of division and shall each receive \$300 additional); fifty-two clerks of class 3; eighty-four clerks of class 2; one hundred and thirty-two clerks of class 1; ten clerks, at \$1,000 each; one skilled mechanic, at \$1,200; thirty copyists, at \$900 each; one engineer, at \$1,200; one assistant engineer, at \$1,000; thirteen assistant messengers; and for eight laborers and two watchmen; in all, \$472,480.

Mr. DIBRELL. I move, at the end of line 1543, page 63, to add the following:

And the Commissioner of Pensions shall not withhold the pension of any soldier in the war of 1812 under act of March 9, 1878, on account of any payment made to him or her under any former act of Congress.

Mr. BAKER, of Indiana. I reserve the point of order.

Mr. FOSTER. I make the point of order this is new legislation and not in the interest of economy.

Mr. DIBRELL. I do not think it is new legislation. It simply defines the duties of the Commissioner of Pensions and prohibits him from assuming to act in a matter not delegated to him by law. It merely defines the duties of the Commissioner in regard to a former law, and I do not look upon it as new legislation. The object is to prevent the Commissioner from withholding pensions under the act of March 9, 1878, from soldiers of the war of 1812 who may have been reported by spies as disloyal under the act of 1871. I know of instances of that kind where the claimants have proved their loyalty and the credibility of the witnesses has been certified to by the officer taking the testimony, and yet on the information of unknown spies the Commissioner of Pensions has dropped them, and when they have been allowed a pension under the act of 1878, on report of spies to the Commissioner of Pensions, he has ordered the amount to be deducted from their pension under the act of 1878, thereby preventing men drawing the pensions which the law allowed.

The CHAIRMAN. The Chair cannot but regard this amendment as a change or modification of the act of March 9, 1878.

Mr. HOUSE. I think when this thing is properly understood it will be seen that is not a correct interpretation of the amendment. I understand this to be the evil intended to be remedied: there are cases which have come up before the Commissioner of Pensions where parties have been paid their pensions, soldiers of the war of 1812, and the Commissioner of Pensions now assumes, although the Government went on without any question and paid to the old soldiers their pensions, that some of these old soldiers ought to have been excluded from any such payment on account of disloyalty. He undertakes now to withhold from them their pensions under the act of 1878, because he says they wrongfully received a portion of their pension on account of disloyalty. What right has he to do that, Mr. Chairman? None whatever. It is simply a right of the soldier under the act of 1878. If the Government paid him his pension without making any question as to loyalty, what right has the Commissioner of Pensions now, without giving the man any trial whatever, to assume that a portion of the money he received was received wrongfully, because he was disloyal and ought not to have received it at the time? The amendment of my colleague seeks to remedy that thing and to say to the Commissioner of Pensions that when a soldier of 1812 presents his claim he shall have no right to go back and examine what the Government has already paid him and decide without giving him any hearing to withhold from him what the Commissioner may say has been wrongfully received heretofore. I think the amendment ought to be adopted.

Mr. DUNNELL. Will the gentleman send for the law of last year?

Mr. FOSTER. Has the Chair ruled on the point of order?

The CHAIRMAN. The Chair has not ruled on the point of order.

Mr. FOSTER. Are these gentlemen discussing the point of order?

The CHAIRMAN. They are.

Mr. HOUSE. Certainly I am explaining the law as best I can to the Chair and showing the evil which my colleague's amendment is intended to remedy.

Mr. FOSTER. I misapprehended the purpose of the debate.

Mr. HOUSE. It is not a change of existing law, but it is an amendment to prevent the Commissioner of Pensions from changing existing law which he manifestly has done by his construction of the law.

Mr. DUNNELL. I would like to hear the existing law read.

Mr. HOUSE. There is no point on the law of 1878.

The CHAIRMAN. The Chair cannot but hold that the amendment is a change of the act of March 9, 1878, and as such is amenable to the point of order made by the gentleman from Ohio, [Mr. FOSTER.]

Mr. CUMMINGS. I offer the amendment which I send to the desk. The Clerk read as follows:

After "each," in line 1550, insert:
Provided, That the Commissioner of Pensions, under the direction of the Secretary of the Interior, may employ such number of temporary clerks, at a salary not exceeding \$1,000 per annum, each for such time as may be necessary, not exceeding one year, as shall be sufficient to carry into execution the act approved January 25, 1875, granting arrears of pensions; and the sum necessary to pay said clerks is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available.

Mr. ATKINS. If the gentleman from Iowa will allow me a moment, I will say that I hope he will withdraw that amendment. The Committee on Appropriations are now preparing an appropriation bill to meet the law granting arrears of pensions, which is referred to in the gentleman's amendment; and in that bill appropriation will be made providing for a clerical force sufficient to carry it into operation. I trust, therefore, the gentleman will withdraw his amendment.

Mr. CUMMINGS. I think it would not be inappropriate to place the appropriation in this bill, and if the Committee on Appropriations should hereafter bring in another bill and it should be found necessary to increase or lessen the amount, it can be done in that bill.

Mr. ATKINS. Then I make the point of order on the amendment.

Mr. CUMMINGS. What is the gentleman's point of order?
 Mr. ATKINS. It is that this is new legislation. It is true there has been a law passed by Congress providing for the payment of arrears of pensions; but there is no law providing for the appointment of clerks for the purpose of carrying that law into execution or administering it.

Mr. HALE. Let me suggest also to my friend that the amendment introduces into this appropriation bill an entirely new feature of legislation in giving discretionary power to the Commissioner of Pensions as to what number of clerks he shall employ.

Mr. ATKINS. I was just coming to that point. The amendment gives the Commissioner of Pensions a discretionary power to appoint an unlimited number of clerks, costing an unlimited amount; a power that this Congress ought not to lodge in the hands of any man however honest and however capable he may be; and I am prepared to admit that the Commissioner of Pensions is an able and honest man as far as that is concerned. This bill to which I have referred is already in the hands of a subcommittee of which the gentleman from Illinois [Mr. SPARKS] is chairman and my friend from Pennsylvania [Mr. CLYMER] and my friend from Maine [Mr. HALE] are the other members. They are now preparing a bill, and have nearly got it ready, in which they propose to provide such force as is necessary to carry this law into effect. I ask the gentleman from Iowa what more can he want?

Mr. HALE. Let me add also, the committee has been in consultation all this morning with the Commissioner of Pensions, and he himself is preparing to-day such a bill as will suit him in regard to the amount of clerical force; and we hope on Monday morning to report that bill which will be in accordance with his wishes and will be much more satisfactory to the Department than any legislation which can be put now upon the present bill.

Mr. DURHAM. I would suggest also that this work cannot be done altogether by one-thousand-dollar clerks.

Mr. CUMMINGS. I was not aware when I prepared this amendment that the Committee on Appropriations were at work on this matter. With the assurance that we are to have a bill reported from them on next Monday I withdraw the amendment.

Mr. HANNA. I think it is better that an appropriation should be made in this bill; otherwise it seems to me very doubtful if we will get any appropriation. I therefore offer the amendment which I send to the desk.

The Clerk read as follows:

On page 64, in line 1555, after the word "watchman," insert the following:
 And to enable the Commissioner of Pensions to promptly execute the provisions of the act of January 25, 1879, granting arrears of pensions, the sum of \$52,200 is hereby appropriated to be expended in the employment of temporary clerks, payment of rent for additional office room, and the purchase of necessary furniture.

Mr. HANNA. In a letter of the Secretary of the Interior of date February 8, 1879, addressed to the Speaker of this House, inclosing a communication from the Commissioner of Pensions under date of February 4, 1879, the Secretary says:

The Commissioner estimates that under this act an appropriation of \$50,000 will be required for temporary clerks, \$1,200 for furniture, desks, &c., and \$1,000 for rent of additional rooms.

I recommend that the amounts stated be appropriated.

The Commissioner of Pensions in his communication says:

The additional work which will fall upon this office in the adjustment of the arrears due in the cases which have already been allowed will be very considerable, and, as the other current work is now considerably behindhand, an appropriation for additional clerical force and for furniture, &c., will be necessary.

I respectfully recommend that the sum of \$50,000 be appropriated for the employment of temporary clerks, and that \$1,200, in addition to the \$3,500 recommended in my letter to you of the 2d ultimo, be appropriated for furniture, desks, &c. Additional room will also temporarily be required, and an appropriation of \$1,000 is recommended for that purpose.

Mr. SPARKS. I will state to the gentleman from Indiana that the Committee on Appropriations have that matter under consideration, and that it will be attended to in a special pension bill which will be

here in a day or two in connection with the appropriation of the amount necessary to pay the arrears of pensions. That identical subject is under consideration and will be attended to.

Mr. HANNA. My theory is this, that that appropriation bill will not pass the House, and I will say that the persons who are to be benefited by the bill for the payment of arrears of pensions are solicitous that an appropriation shall be made to carry out the provisions of that law. I can by a proper and legitimate amendment to this bill secure what the Commissioner of Pensions and the Secretary of the Interior say is necessary. Why should we delay action on their recommendation?

Mr. HALE. Let me suggest to my friend from Indiana that if this appropriation be put in a separate bill it is much more likely to go through, if any appropriation bill goes through, than it would do if attached to a long appropriation like this, on which we are promised to be antagonized with special legislation, and if we get into a deadlock the appropriation bill will not go through.

But I do not think any one here will take the responsibility of antagonizing a bill to pay the arrears of pensions so as to make the machinery efficacious. If the gentleman attaches it to this bill with all its incumbrances, he will not accomplish what he desires.

Mr. HANNA. Will the gentleman assure me that a bill to pay the arrears to the soldiers will be reported by the committee?

Mr. HALE. It will be on Monday or Tuesday of next week.

Mr. HANNA. Then I withdraw the amendment.

Mr. ATKINS. I offer the amendment which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

In line 1554 strike out the word "thirteen" and insert in lieu thereof "one messenger and twelve;" and in lines 1556 and 1557 strike out "480" and insert in lieu thereof "600."

The amendment was agreed to.

The Clerk resumed the reading of the bill and read as follows:

For actual and necessary expenses of clerks detailed to investigate suspected frauds and attempts at fraud, as provided by law, \$40,000.

Mr. McMAHON. I offer the following amendment, to come in after line 1560:

Sections 4771, 4772, and 4773 of the Revised Statutes are hereby repealed: *Provided*, That the Commissioner of Pensions shall have the same power as heretofore to order special examinations whenever in his judgment the same may be necessary, and to increase or reduce a pension according to right and justice; but in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing, subject to the power of the Commissioner to suspend payment during the same.

In offering this amendment I have followed the recommendation of the Commissioner of Pensions. It is in the line of economy, and simply repeals the biennial examinations which are required, and which cost \$2 in each case, an expense to the Government without any corresponding benefit. I have adopted substantially the language of the Commissioner of Pensions in his report. In his report, on page 12, he recommends the repeal of these three sections.

Mr. ATKINS. I see no objection to the amendment, so far as I am concerned.

Mr. SAMPSON. Before I vote on the amendment I would like to have the sections which it is proposed to repeal read.

The Clerk read the sections, as follows:

SEC. 4771. In all cases of application for the payment of pensions to invalid pensioners to the 4th day of September of an odd year, the certificate of an examining surgeon duly appointed by the Commissioner of Pensions, or of a surgeon of the Army or Navy, stating the continuance of the disability for which the pension was originally granted, describing it, and the degree of such disability at the time of making the certificate, shall be required to accompany the vouchers, and a duplicate thereof shall be filed in the office of the Commissioner of Pensions; and if in a case of continued disability it shall be stated at a degree below that for which the pension was originally granted, or was last paid, the pensioner shall only be paid for the quarter then due at the rate stated in the certificate. But where the pension was originally granted for a disability in consequence of the loss of a limb or other essential portion of the body, or for other cause which cannot, either in whole or in part, be removed, or when a disability is certified by competent examining surgeons to the satisfaction of the Commissioner of Pensions to have become permanent in a degree equal to the whole rate of pension, the above certificate shall not be necessary to entitle the pensioner to payment.

SEC. 4772. Nothing in the preceding section shall be construed to prevent the Commissioner of Pensions from requiring a more frequent examination, if, in his judgment, it is necessary.

SEC. 4773. The biennial certificate of two unappointed civil surgeons shall not be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

Mr. SAMPSON. I would inquire of the gentleman from Ohio if the purpose of his amendment is to dispense with these examinations?

Mr. McMAHON. The biennial examinations?

Mr. SAMPSON. Yes, the biennial examinations.

Mr. McMAHON. Precisely, that is what I desire to dispense with; and the gentleman will find from the report of the Commissioner of Pensions that they amount to nothing. It is a mere matter of form, and the Government has to pay \$2 for each examination by some physician residing in the neighborhood of the pensioner.

Mr. SAMPSON. Then there are to be only such examinations as may be ordered by the Commissioner?

Mr. McMAHON. Only the examinations ordered by the Commissioner, either when a person applies for a pension or when the Commissioner has reason to think that the pension ought to be reduced or increased. In all such cases he can order a special examination.

Mr. O'NEILL. Let the amendment be again read.

The amendment was read.

Mr. McMAHON. I ask for the reading of the recommendation of the Commissioner of Pensions in this case.

The Clerk read as follows:

The law now provides for a very sweeping examination of the invalid pensioners every odd-numbered year. So general and frequent an examination of these pensioners is, in my judgment, no longer necessary. The necessity for these examinations rested upon the presumption that the degree of disability for which the invalid pensions were allowed would, from year to year, become less.

The average age of the soldiers of the war of the rebellion, from whose ranks the invalid pensioners mainly come, at the time of their enlistment, was 25.8 years, and taking 1863 as the mean year their average age is forty-one years; few of them all are less than thirty-six years, while a very great number are forty years and upward.

The disabilities for which pensions are now paid, or will hereafter be allowed, are of thirteen to seventeen years' standing, and it needs no argument to prove that there will be very few cases in which the disability of so long standing, in men of such advanced years as have now been reached by the survivors of the late war, will become of less degree than it now is. It seems, therefore, only necessary to secure a thorough examination of the invalid pensioners upon the present pension-list, and a fair rating of their present disabilities, and a just rating of such cases as shall hereafter be allowed, in order to dispense with nearly all periodical examinations of the pensioners, and I respectfully recommend that the biennial examinations of the invalid pensioners be dispensed with. The repeal of sections 4771, 4772, and 4773, Revised Statutes, and the enactment in their place of a provision authorizing the Commissioner of Pensions to cause any pensioner to be examined by a surgeon whenever he shall deem such examination necessary, and to reduce or increase the rate of pension as justice may require, will be the only legislation necessary to effect this object.

Mr. HASKELL. If I mistake not the reading of the amendment, then when the repeal of these three sections shall have been accomplished, the language of the amendment will be broad enough to grant to the Commissioner of Pensions power to review any pension, even when granted by special act of Congress, and to lower it or increase it, in the language of the amendment, "according to justice and equity." Now, if that is true, then I raise the point of order that the proposed amendment will not only change existing law but will grant a power to the Commissioner that he ought not to have.

I would suggest to the honorable gentleman from Ohio [Mr. McMAHON] that if he does not want to make his proposition as broad and sweeping as that, then he should provide that when these special investigations are had pensions shall be raised or lowered, not according to justice and equity perhaps, but as provided for in the sections proposed to be repealed. Then the Commissioner could act only on those pensions granted under general law, whereas, if the language of the proposed amendment is retained, it will be broad enough to cover any pension case, whether by special act of Congress or not.

Mr. McMAHON. When pensions are granted by special acts we do not as a general rule fix the rate of pensions, but authorize them to be paid according to the pension laws. I do not know why such a pension should not come under the same rule as one granted under general law.

Mr. HASKELL. There are a great many special acts of Congress granting pensions, in which it is specifically provided that on and after the passage of the act the pensioner shall receive so many dollars per month. Now, if in the deliberate judgment of Congress a man is entitled to a specific sum, then I object to an amendment which will give the power to the Commissioner of Pensions to revise that pension and raise it or lower it as he may see proper.

Mr. McMAHON. No man will go further upon this floor than I will to protect pensioners.

Mr. HASKELL. I understand that; I am not criticising the gentleman from Ohio.

Mr. McMAHON. My amendment says that the Commissioner shall have the same power as heretofore, to order special examinations and to increase or reduce pensions.

Mr. HASKELL. Then provide that he shall have the same power as heretofore; that is, that his revision shall have the same effect as now provided for in these three sections, and not according to justice and equity.

Mr. McMAHON. These three sections do not provide for special examinations or for the dropping of men from the roll.

Mr. HASKELL. My point is this. I object to making the Commissioner of Pensions the judge of what may be justice and equity, as against the deliberate judgment of Congress expressed in a special act.

Mr. McMAHON. I have no objection to adding a provision to except from the operation of this amendment the special acts of Congress which fix the amount of pensions in individual cases. But I do not think that is necessary.

Mr. RANDOLPH. I move to amend the amendment by inserting after the word "hearing" the words "upon sworn testimony;" so that it will read:

But in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony.

Mr. McMAHON. I will accept that amendment.

The question was taken upon the amendment as modified, and it was agreed to.

The Clerk resumed the reading of the bill and read the following:

United States Patent Office:

For compensation of the Commissioner of the Patent Office, \$4,500; for assistant commissioner, (who shall act as Commissioner in case of the death, resignation, absence, or sickness of the Commissioner, and shall perform such other duties as may be assigned to him by the Commissioner,) \$3,000; for chief clerk, \$2,250; three examiners-in-chief, at \$3,000 each; examiner in charge of interferences, \$2,000; trade-mark examiner, \$2,000; twenty-two principal examiners, at \$2,000 each; twenty-two first assistant examiners, at \$1,700 each; twenty-two second assistant exam-

iners, at \$1,600 each; twenty-two third assistant examiners, at \$1,400 each; one financial clerk, \$2,000, who shall give bond in such amount as the Secretary of the Interior may determine; one librarian, \$2,000; one machinist, \$1,600; four clerks of class 4; five clerks of class 3, (one of whom shall be translator of languages); eight clerks of class 2; and thirty-five clerks of class 1; twenty-six clerks, at \$1,000 each; for seventy-four copyist clerks, at \$900 each; for three skilled draughtsmen, at \$1,200 each; for one messenger and purchasing clerk, \$1,000; for one skilled laborer, \$1,200; for ten attendants in model-room, at \$900 each; ten assistant messengers; thirty laborers; six laborers, at \$600 each; five folders and pasters, at \$450 each; in all \$384,550.

Mr. VANCE. I move to amend the paragraph just read so that it will read:

United States Patent Office:

For compensation of the Commissioner of the Patent Office, \$4,500; for assistant commissioner, (who shall act as Commissioner in case of the death, resignation, absence, or sickness of the Commissioner, and shall perform such other duties as may be assigned to him by the Commissioner,) \$3,000; one chief clerk, \$2,400; three examiners-in-chief, at \$3,000 each; examiner in charge of interferences, \$2,500; trade-mark examiner, \$2,400; twenty-two principal examiners, at \$2,400 each; twenty-two first assistant examiners, at \$1,500 each; twenty-two second assistant examiners, at \$1,600 each; twenty-two third assistant examiners, at \$1,400 each; &c.

The amendment which I submit provides that the salaries of the examiners shall remain as they were fixed in the appropriation bill of last year. It puts the salary of the chief clerk at \$2,400; his office is an important one, and we think he should have the same salary as the examiner.

I was instructed by the Committee on Patents to offer an amendment to place the salaries of examiners at the same amount which they received in 1876. But upon reflection and upon consultation with my colleagues it was thought best to allow their salaries to remain as they were fixed in the bill making appropriations for the fiscal year 1878 and 1879.

I desire to call the attention of the committee to the fact that these examiners are not mere clerks, not copyists. They are trained and skilled men who must be acquainted with the law; and they are also mechanics. I do not suppose that the Committee on Appropriations desire to cripple the Patent Office, so important a branch of the service as that is to the country. But it is the opinion of the Committee on Patents, of which I am a member, that to reduce the salaries of examiners to so low a figure as \$2,000 and \$1,700 would actually work injury not only to inventors but to the country.

We think that these salaries should not be reduced below the amounts fixed in 1837. At that time the salaries of the principal examiners were established at \$2,500. By this amendment we propose that they be allowed to stand at \$2,400. Since the period to which I have just referred the amount of labor thrown upon these examiners has increased 30 per cent. The increase of patents since that time has been enormous.

Why should we reduce the salaries of these men to such a figure as will not enable the Patent Office to retain the services of men trained and skilled in their profession? It is difficult now to retain them; they can make more money outside.

I think it wise, therefore, that the salaries should remain as indicated in the amendment. I trust the Committee of the Whole will sustain this recommendation of the Committee on Patents, who by the rules are required to look into these matters. We submit this amendment in good faith, from an honest and sincere conviction that the good of the country requires its adoption.

Mr. WAIT. I concur most heartily with the chairman of the Committee on Patents [Mr. VANCE] in the justice of the several amendments to the bill that he has submitted increasing the salaries of the chief clerk of the Patent Office and the examiners and assistant examiners. I coincide with him in opinion that it is vitally important to the proper administration of the business of this bureau that the salaries of leading employes should be kept up to such a point as will enable the Commissioner to secure and retain in his service men of the highest ability. There is not, in my opinion, any body of employes in any department of the Government that should command more liberal remuneration for their services than the chief clerk in the Patent Office and the chief examiners and the assistants. I agree with the gentleman from North Carolina [Mr. VANCE] in regard to the important duties that the chief clerk is constantly called upon to perform. Very onerous and important duties are almost daily thrown upon him. When the Commissioner is engaged in hearing arguments and passing upon questions submitted for his decision, questions of great importance, coming in the correspondence of the bureau, are passed over to the clerk for him to examine and respond to; and for him to be prepared for this duty and capable of assisting the Commissioner he must be thoroughly acquainted with the whole business of the office, familiar with the decisions of the Commissioner, and also of the courts, and capable of making immediate and intelligent replies. Thus it will be seen that a thoroughly trained man is required to discharge the duties of this place in such manner as the public interests demand. Prior to the last year this officer received a salary of \$2,500. It is now proposed to reduce the same to \$2,000. And let me say further that he is the only chief clerk connected with any department who is compelled by law to give bonds. He is required to execute a bond with surety in the sum of \$5,000. I trust that the recommendation of the chairman of the Committee on Patents [Mr. VANCE] will be agreed to, and the salary of the chief clerk put back to the sum at which it was originally fixed.

In regard to the examiners and assistant examiners, as I have

ventions, against conflicting patents, and vexatious and expensive litigation. I believe it is in the interest of economy to allow these salaries to remain as they are for the purpose of securing the proper ability in the discharge of the duties of this office.

[Here the hammer fell.]

Mr. ATKINS. I admit, Mr. Chairman, it is an ungracious thing to attempt to cut down salaries, and I rather think it will be an unsuccessful effort so far as that is concerned in this House, as so many of our friends seem to be interested in keeping these salaries up.

I wish to say a word or two on this amendment. The Committee on Appropriations have looked into the matter and investigated these salaries and the labors of these officers, and without any prejudice, with no disposition to do any one injury, they have come to the conclusion that the rates at which salaries are fixed in this bill are just and equitable. I have not the pleasure of knowing a single individual in the Patent Office except one or two. I do not know the names of three men in the Patent Office to-day, and would not know them if I should meet them. Therefore I can have no prejudice whatever in the matter.

Now, sir, in 1848, as has been stated by the gentleman from Pennsylvania, [Mr. BRIDGES,] there were four examiners. There were during that year somewhat over sixteen hundred applications, making for those four examiners about four hundred and seven applications apiece, amounting to over one and one-third, or nearly one and one-half for each examiner every day. At this time in round numbers there are about twenty thousand applications a year. For sixty-six examiners that would be two hundred and thirty-eight cases a year, or three-quarters of a case to each per day. In 1848 it cost \$6.12 to examine each case, while in 1878 it cost \$7.68.

Mr. VANCE. If the gentleman will allow me I desire to ask him a question.

Mr. ATKINS. I cannot yield to the gentleman at present.

Now, these are facts. I wish to state also that the Commissioner of Patents suggested that the salaries of all these examiners should be equalized. I will also state the fact that to-day the first, second, and third assistant examiners do most of the work. These principal examiners have very little work to do, for most of the cases are decided by the first, second, and third assistant examiners, and they are rarely referred to; at least many of the applications do not require any intervention on the part of the principal examiners to pass upon them. This is only done in a minority of the cases as I am informed.

Mr. O'NEILL. Will the gentleman allow me—

Mr. ATKINS. Pardon me, I cannot yield. The gentleman can have his own time.

There is too much force in this Patent Office to-day, in my honest opinion. There ought not to be as much force as there is to-day. And let me say it does not require the legal talent that gentlemen speak of to pass upon these applications for patents. You have three examiners-in-chief, at \$3,000 each. That is the patent board, if I may so express myself, to which difficult cases may be referred, and it does not require so very much legal talent after all. If so, why was it when the Commissioner of Patents, a short time ago, made application directly after he came into the office for an addition of twenty-two third assistant examiners, and the Committee on Appropriations suggested to him that he had enough force and he withdrew the application, why did he withdraw it, and why did he state that he had boys in the Patent Office examining applications? If, sir, boys could do this, it seems to me it does not require in all these instances so much legal talent to fill this office as gentlemen have claimed that it does.

Mr. TOWNSHEND, of Illinois. I am so ardent an advocate of retrenchment and economy that ordinarily I would hesitate to put my opinion in opposition to that of the Committee on Appropriations on a question of this kind. But in this particular instance it has fallen to my lot to be brought into contact with some of the officers of the Patent Office, and I have had an opportunity of forming an opinion of the judiciousness of this reduction in the salaries of the principal examiners. I, sir, am ready in every instance to apply the knife of retrenchment wherever we may find an excrescence on the body-politic; but I would have that knife of retrenchment applied with the circumspection of a skilled surgeon. I would not by its use tap the life-blood of necessary public departments. I feel that we have reached the point here where we are in danger of injuring the life of the patient; in other words, of crippling the usefulness of this branch of the public service.

Mr. Chairman, it must first be remembered that of all the various departments of this Government perhaps this is the only self-sustaining one. This is the only department that does not cost the taxpayer of this country a single dime; and I do not believe, therefore, that it is the one to which we should seek to unnecessarily apply retrenchment to such an extent as to be in danger of the charge of imprudence or of mistake.

I am one of those who believe that when we reach perfection we should not seek to improve upon it. Whenever you get down to old-fashioned democratic economy you should hesitate long before you seek to improve upon it. In 1848 it was considered, under the administration of James K. Polk, that these examiners were worth \$2,500 a year to the people of this country. Their salaries have stood undisturbed through the administrations of Taylor, Fillmore, Pierce, Buchanan, Lincoln, Johnson, and Grant, or at least until two years

ago, there was no effort to improve upon democratic economy in this respect.

Let me say another word. If these men had purely clerical labor to perform I would feel that the opinion of the committee would warrant us in endeavoring to procure men to discharge these duties at lower salaries; but when you remember, as you will find on investigating, the requisite qualifications and manner in which these examiners discharge their duties; when we remember that they are required to be well skilled in every branch of science, that they are required to have legal knowledge, and that an unintelligent and unscrupulous discharge of the duties with which they are charged may do great injury to the public; when you consider the evil that may result from putting untrained minds and inefficient men in these positions; when we know how injurious it is to the public interest to have unnecessary and annoying patents issued, then we should fully appreciate our duty to the people in endeavoring to prevent improper patents from being obtained. If we do this, then there is a necessity that we have conscientious men and intelligent men in these positions who will guard the public from imposition through the Patent Office.

Now, sir, I do not believe we can improve upon what the democratic fathers taught us in the line of economy. The expenses of the judicial department of the Government in 1848 were less than half a million of dollars. To-day they reach nearly \$3,000,000. Why, sir? Because the country has grown; because the duties of the bench have multiplied and demand that we should make expenditures commensurate with the needs of that department.

I would not ask to raise or increase the salaries of these officers one single cent above what they got thirty years ago. I only ask that you leave them where they have been ever since then in order that we may have the benefit of competent minds, so as to guard the public from the issuing of improper patents.

Mr. DEAN. I think, Mr. Chairman, that this question is to be solved by the results of the patent examiners' work.

I do not care for the reason that has been so strenuously urged in favor of this amendment; namely, that the Department is self-sustaining. Nor do I care so much about the amount of drudgery they perform. To my mind the question is, what do they do? and what is the result of their work if bad or ill-judged, and what is the effect or result of their work if performed without skill and good judgment.

The patent examiner sits judicially; he examines into questions of the priority and usefulness of an invention; his decision sends a patent out to the country making a *prima facie* case in any court that it is brought into. This power and authority attaches to a patent for the term of seventeen years, giving the patentee a great, powerful monopoly under the law. Every individual is compelled to respect it, and make his business conform to it, or at great expense and trouble to produce such an amount of testimony or such other good reasons as will overthrow it, by proving it for some reason invalid, if he would contend that it ought not to have been issued.

An immense amount of litigation follows a patent which may be finally overthrown, and it cost a vast amount for litigation to every one concerned in such litigation on the one side and on the other.

Patents are so numerous; they enter so completely and so universally into the every-day life of our active, inventive, prosperous, and growing people that the officers trusted with this great power should be of the highest order. The difference in the cost to the people of the United States in the mere matter of litigation between one year's issue of patents by a schedule of examiners such as a salary of \$2,000 per annum will command and a schedule or list of such examiners as can be commanded only by twenty-five-hundred-dollar salaries, would beyond question exceed the saving by the change ten-thousand-fold.

Now, there is no case, no instance, among all the officers of the Government where it is so important to have good men, able men; and good men cannot be got except by good pay. I say that there is no instance under our Government where the Government has the selection of officers whose work is so important in its results, whose work is so great in its influence upon the community.

When you cut down the pay of this class of men you will certainly in the long run give us a poorer class of men. These principal examiners, I am informed, in the year 1877 passed upon nine hundred and fifty-two cases on an average annually, or three each day. The examiner has his assistants, who roam through the archives, examine the books, and bring to him the result of their labors.

They make these examinations and pursue these investigations, subject to his direction, and then he gives or refuses a patent, and there is no appeal from his decision if he allows a patent to pass. It is only when he decides adversely that there is an appeal. The number of cases that he is compelled to pass upon requires great familiarity with his duties and with the state of the art or department in which he is an examiner. He decides in a day cases that may occupy the attention of our courts weeks of continuous labor and investigation. We do not want our trust and confidence in the decisions of the Patent Office impaired. Congress must keep up the standard of these men.

I have had placed in my hands as a subcommittee of the Patent Committee, to report upon, a bill which, if passed, would authorize a patentee to apply to the Commissioner of Patents, and for the Commissioner of Patents to permit to be filed in the Patent Office a model

to take the place of a model destroyed by fire. The Commissioner, if the bill should pass, would have authority to allow the model to be filed if he should be of opinion it is substantially like the one destroyed by fire. The model could then be used to amend the drawings and specifications, and the model could be used in evidence, and the patent reissued as amended without the knowledge of any person engaged in litigation regarding said patent.

Now, consider for a moment the effect of such a bill, if it should pass. This might occur in a case where the patent had been in existence a long time, and where a suit to test its validity might be pending and the evidence obscure. Yet instead of the patentee bringing his model into the court and trying to prove it there, where alone it could be fairly tested, and permitting his opponent to prove its invalidity if he could, and to prove that the model was not a true model, he would go behind the back of his opponent, file his model, and take a certified copy to the court, the model having all the power and effect of the original model. Yes, the patent might be reissued and he not permitted for a moment to disprove that it differed from the original model. The committee instructed me to report that the bill ought not to pass. Yet this kind of power these examiners are exercising all the time. Alone in their rooms, and with such evidence as they find by their own research, they issue and reissue patents, which patents go out into the world clothed with all the power of a governmental monopoly. No, Mr. Chairman, let us not meddle with this class of officers. Let us do nothing to lessen or impair the usefulness of this class of public servants. We should have the best men in these places that money can buy. The only question is what salary will secure the services of the best men. I trust the amendment will be made.

[Here the hammer fell.]

Mr. DURHAM. I will detain the committee but a moment or two. It becomes my duty, being one of a subcommittee who had this matter under consideration, to state to the committee the result of the investigation.

In regard to this matter, not what was done in 1848 or in 1858, but what is the status of the case at the present time?

Now, it was said by the chairman of the Committee on Patents that until a few years ago you always had a board of appeals, and now you have none.

We give these officers a salary of \$3,000. You have got a first assistant, a second assistant, and a third assistant, and the statement of the Commissioner of Patents before the committee was that they all did the same work, and yet you have a different grade of them.

Now, the duties of these subexaminers is to make a cursory examination in the case of patents, and they pass their judgment upon the question of whether there is merit or not in the patent applied for. Their judgment is not final.

Mr. DEAN. It is final where the patent is granted.

Mr. DURHAM. But some persons take appeals.

Now, the gentleman from Massachusetts says that it requires a great deal of skill to perform the duties of these offices, much more than any other.

Look at the Land Office, where the officers of which have to pass upon land titles; in this very identical department are men who pass upon the interests of millions of money. The Assistant Attorney-General only asks that his assistant should have \$2,200, and we gave it to him. And here gentlemen contend upon this floor that these men who are required to be good lawyers and have to pass upon claims involving such immense amounts of money shall have more money than the men who pass upon cases involving these great land interests.

I say that instead of driving these men out of the offices as stated by the gentleman from North Carolina, [Mr. VANCE,] if you put the salaries down to the point proposed by the Committee on Appropriations, not a single one of them would leave. This talk of the crushing of bones and driving them out of office amounts to nothing. Not a single one of them would be crippled or would leave his office.

Now, I mean no disrespect to that department, but the question is, are the salaries sufficient to command gentlemen of reputable talent? I say that they are.

Now, look at the chief clerk. The gentleman proposes to raise his salary to \$2,500. Where do you find in any Department a chief clerk who receives that amount. I say that you do not find that salary paid in any subdivision. I say that the whole Department has heretofore been on stilts. I have the utmost confidence in the present Commissioner of Patents. I believe that he is going to rectify and reform the institutions of that bureau, but I am sorry to say that up to the time he came there there was a great deal that ought to have been rectified; but I do believe that the present Commissioner will rectify the abuses that have grown up, and I think the salaries proposed in this bill are amply sufficient to secure the best talent.

Mr. WILLITS. The question as to whether this department or bureau is self-sustaining or not has something to do with this subject. The money is paid in by the honest inventors of the country, and the people at large have to pay a royalty on everything produced that has a patent on it. Now, what are the facts? Not only is this department self-sustaining, but it has paid into the Treasury of the United States the sum of \$1,200,000. It paid into the Treasury last year a surplus of \$120,000.

Mr. DURHAM. What has the Internal-Revenue Bureau paid in?

Mr. WILLITS. That is a different thing, because the taxes are paid by the people. Here is a bureau or department more than self-sustaining. It paid into the Treasury last year \$120,000 surplus, given by the honest inventors of the country, and, as I said before, the people at large have to make it up by the royalties which they have to pay.

What is the *modus operandi* of this office? These principal examiners have been referred to. Twenty thousand applications yearly for patents are received by the bureau, and those applications are divided up among the twenty-two principal examiners, who are responsible for them. It is true each principal examiner assigns the nine hundred and odd applications which are given to him to his assistants; but each principal examiner is responsible for them all. The assistants examine the archives of the office, examine the two hundred and twelve thousand patents now in operation; not only that, but they examine the seventy-five thousand which have expired. That is not all, but they examine every patent that has been issued in England and in other countries, in order to ascertain whether there is any novelty in the invention for which a patent is asked. The truth is that these principal examiners are the principal factors in the Patent Bureau. They are the judges of important interests, of immense interests. We cannot afford to have those important interests submitted to persons who are not competent. Those interests involve millions of dollars, and these principal examiners have to pass upon them. They send forth, with the imprint and stamp of the United States Government, patents which should be worth something.

It is true that there is a board of review, composed of examiners-in-chief, as they are called. But, as the gentleman from Massachusetts [Mr. DEAN] has stated, that is only in cases where appeals are taken, which constitute but a small percentage. More than three-fourths, yes, more than four-fifths of the patents granted are granted on *ex parte* evidence and without any appeal. And in order to prevent the reckless issue of these patents, we ought to have persons not only skilled in mechanics, history, and science, but also who have a knowledge of what has heretofore been issued, and who are competent to pass judgment upon them.

There have been numerous frauds committed. Patents have been recklessly issued. We owe it to the people whom we represent that these important positions shall be filled by persons fully competent to discharge the duties. We have had too much experience with patent gates and patent drive-wells. The subject has become a matter of national importance. No patent should be allowed to go through the office recklessly and without consideration.

I say to this committee that these principal examiners are the persons who pass upon these applications for patents. These applications are assigned to them by the Commissioner, and patents are issued on their recommendation and not on that of the first or second or third assistants, who are simply clerks, and assist the principal examiners in examining these applications. These are responsible positions, and I protest against any reduction of the salaries paid to them.

Mr. FOSTER. If there is anything at all in the argument of the gentleman from Massachusetts [Mr. DEAN] and of my friend from Michigan [Mr. WILLITS] it goes to show that the patent laws themselves ought to be changed.

As to this other proposition, that because the Patent Office is self-sustaining, therefore we ought to pay these officials high salaries, if my friend will carry out the logic of his argument, then he will add to these salaries the \$120,000 which the Patent Office pays over each year as a surplus. But there can be nothing in that argument. We should take just as good care of the interests of the Government in connection with the Patent Office, we should be just as careful in regard to the salaries we allow the officers in that bureau, whether the office is self-sustaining or not; that can make no difference at all. Now, what are the facts? I am not here to assail the salaries paid to the officials in the Patent Office. But I do say this; any man who will take the pains to examine the question will find that they are much better paid than are the officials of any other bureau of this Government. And, as has been said by my friend from Kentucky, [Mr. DURHAM,] the clerks in the Patent Office who decide questions involving millions of dollars get but \$1,800 each. My democratic friends on the other side of the House who are so anxious about the Patent Office have voted to reduce the salaries of this class of clerks.

Why is it that my friend from North Carolina [Mr. VANCE] has waked up to a streak of virtue when it comes to the Patent Office? You can reduce the salaries in the office of the Internal Revenue; you never fail to do that, or in any other bureau of the Government. But when we come to the Patent Office we are told that the salaries there must not be touched.

I acquiesce in the recommendation of the Committee on Appropriations, but I have not recommended a reduction of these salaries. I do say, however, that if you gentlemen on the other side of the House are consistent you will vote to reduce these salaries to the amounts at which your committee have placed them. You have voted to reduce other salaries constantly and all the time, and have not said a single word against it.

Now, I want to ask this question: does any man suppose that if these salaries are reduced to \$2,000 a year any of these men will go out of office?

Mr. WILLITS. Does not the gentleman know that there have

been repeated resignations among these examiners within the last year?

Mr. FOSTER. I know all about that, and on that point I wish to say something. They go out to engage in the practice of patent law, and I am not sure but that it is worth while for a man to give his whole time for a few years, without any compensation, for the sake of getting the experience and discipline which these examiners obtain in connection with their duties. It will be found that most of our patent attorneys—at any rate the best of them—have served as examiners. This service is an education such as no other clerk of this Government gets. An examiner goes out of office qualified to practice patent law, and most of those fit to be examiners do go out when they reach that point.

I do not advocate a reduction of salaries; I have never done it here. But to be consistent—and I speak especially to my democratic friends—to be consistent, members of the House must stand by the Committee on Appropriations on this subject. And to my republican friends I say that any man who will examine this case will find that these examiners in the Patent Office are paid from 20 to 25 per cent. more than similar classes of employes in other branches of the Government.

Mr. LATHROP. I wish to ask the gentleman one question: is this board of principal examiners appointed for the benefit of the inventors or for the benefit of the people?

Mr. FOSTER. I suppose they are appointed for the benefit of the inventors and also for the benefit of the people.

Mr. LATHROP. Then let me ask whether it has been the purpose of the Committee on Appropriations to charge the expense of this system upon the examiners of the Patent Office to make a speculation out of them?

Mr. FOSTER. If there is anything in the argument of my friend and other gentlemen upon that side of the question, it only goes to show that the patent laws ought to be amended and the fees reduced, so that this profit of \$100,000 would not inure to the Government.

Mr. LATHROP. Then you do not recognize this as a proper source of revenue to the Government?

Mr. FOSTER. I do. That is my position.

Mr. LATHROP. Under what provision of the Constitution or laws—

Mr. FOSTER. Oh, I am not a constitutional lawyer.

[Here the hammer fell.]

Mr. ATKINS. There were in 1873 about as many applications for patents as there are to-day. The number has not materially increased within the last four or five years. Now, in 1873, twenty-two additional examiners were provided for by law; they were called third assistant examiners. They were provided for on the ground that the drawings of the patents were then not printed or lithographed. The Commissioner of Patents stated in his report at the time that as soon as those drawings should be lithographed and placed in the rooms of the examiners there would be no need for those twenty-two third assistant examiners. That work was completed last March. The copies of those drawings were then printed and placed in the rooms of the examiners. Every examiner now has copies of these drawings before him, to which he can turn at once, thus expediting the work; and not only expediting the work, but requiring a great deal less force to perform the same work than was required prior to 1873. Not only American drawings, but all the English drawings are to-day placed in the rooms of the examiners, so that they do not have to go out of their rooms to look at them. What is the use now of these twenty-two third assistant examiners?

Mr. Leggett, formerly Commissioner of Patents, said that there was no difference in the work performed by the principal examiners and the first, second, and third assistant examiners. I prefer to take his opinion to the opinion even of the learned chairman of the Committee on Patents, [Mr. VANCE,] for whom I have the very highest respect, and who has doubtless examined this matter very much. Mr. Leggett was of opinion that these salaries ought all to be equalized.

My worthy and amiable friend from Illinois, [Mr. TOWNSHEND,] who stands up for the democracy upon all occasions, has discussed this question. He is the great democratic light of this House, it would seem, especially upon the question of economy, until you reach the subject of patents. He is a member of the Committee on Patents. Now let me say to the gentleman that in 1848, in the days of President Polk, there were only four examiners. At that time they were not called principal examiners, or assistant examiners, or anything of that kind; they were simply examiners. Now we have three examiners-in-chief at a salary of \$3,000, besides principal examiners and assistant examiners. Since the English and American drawings of patents have been placed in the rooms of the examiners I do not believe there is any necessity for so much force; nor do I think there is any difference in the work performed by the principal examiners and the first, second, and third assistant examiners. I believe, therefore, that the reduction proposed in the bill is fair and just.

I do not consider this question in the light of party. As chairman of the Committee on Appropriations I endeavor to eschew partisan considerations.

I do not approach this question in any such light. But I must be allowed to protest right here. We had evidence of it here this morning. There it lies on the gentleman's table; there is the evidence

right there now of the lobbying of these examiners. They have time to leave their rooms, and to leave the Patent Office, and to come into this Capitol to lobby and button-hole members and beseech them to continue their salaries at what it was fixed in the last appropriation for the Patent Office. There is the paper right there on the gentleman's desk, prepared by some of these gentlemen, and from which the gentleman from Pennsylvania read most of his speech this morning. I protest against anything of the kind. If these men get too much, let us cut them down. We have raised the salaries of various officers in this Government. Why? Because the duties they perform have justified it, to wit, the Commissioner of Pensions, and the Commissioner of the General Land Office, the chief clerk of the Treasury Department, and others. Their salaries have been raised. We have approached this question on its merits, and not in any spirit of partisanship whatever.

[Here the hammer fell.]

Mr. VANCE. Mr. Chairman, I was aware of the fact that I was an unlearned man.

Mr. ATKINS. I beg your pardon, sir; I said I deferred to the opinion of Commissioner Leggett on the subject of patents in preference to that of my worthy friend from North Carolina, however much he may be versed in the subject. I do not think that was a fling at him. It certainly never was meant in any such way.

Mr. VANCE. I understood the gentleman referred to me as an unlearned man, and of course I was willing to acknowledge it.

Mr. ATKINS. Not at all, sir.

Mr. VANCE. I was going to remark there were some things so plain it did not require a man versed in Latin and Greek and all the ancient languages to understand them, and this is one of them. I think a plain man can understand what he thinks is right in regard to the interests of the country. I say the burden resting upon the examiners in the Patent Office is onerous; that the work is severe, and many times they have to work after night. The number of patents has increased largely since the time referred to by the gentleman, since 1848, when he said there were only four examiners. He said they could get through with the examination at that time easily and in a little while. That is true, but now it is much more difficult. I am informed sometimes an examiner is more than a week examining the patents which have been issued in this country. You must remember over one hundred and sixty thousand have been issued in the United States alone. He is also required to examine the foreign patents in reference to which allusion has been made. He has to examine patents issued in England, France, Belgium, Germany, and elsewhere.

Now, the gentleman from Ohio on the other side seems to think I had got up a streak of virtue which was quite unusual with me. [Laughter.] I say I do feel virtuous and happy in standing up for the people and the country by standing up for the inventors. Not a single inventor has asked the Congress of the United States to reduce the salaries of the examiners in the Patent Office. Not one, sir. On the contrary, I have received letters from different parts of the country saying the salaries ought not to be reduced.

Mr. ATKINS. And I have received them the other way.

Mr. VANCE. You have?

Mr. ATKINS. Yes, sir.

Mr. VANCE. Very well; that is all right. My judgment is, in order to retain men in the Patent Office who are capable of understanding the duties they are required to discharge, we should leave the salary as it is and not make the reduction proposed by the committee. I have endeavored to discharge my duty in this matter. It was not my desire to antagonize the Committee on Appropriations, but simply to discharge my duty as chairman of the Committee on Patents. It was my duty to look through that office. I know these men do a great deal of work, and they ought to receive a salary commensurate with the character and amount of work they do.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. VANCE. Yes, sir.

Mr. ATKINS. Is there an examiner in the Patent Office who observes section 162 of the Revised Statutes, and remains there eight hours from October to April and ten hours from April to October? Is there a single man who observes it?

Mr. VANCE. In answer to that I am told they have to work often after night, as the gentleman knows the Patent Office is now behind some thirteen hundred cases; that is, there are thirteen hundred applications to-day which have not yet been attended to.

[Here the hammer fell.]

Mr. HAYES. Let us have a vote; I think we have now got light enough upon this subject.

Mr. TOWNSHEND, of Illinois. I would not have said anything further on this question if it had not been for some words which have fallen from the lips of the gentleman from Tennessee, [Mr. ATKINS.] It is true I am wedded to democratic ideas and the precedents established by the democratic party; and because I am wedded to democratic ideas and to democratic precedents I am wedded to democratic economy; and I defy the gentleman from Tennessee or the gentleman from Ohio to improve upon democratic economy. I am standing to-day where the democratic party stood in 1848 and has stood ever since, down to the present day, with regard to the salaries of the principal examiners of the Patent Office. I will not consume time here in al-

luding to the fact that since 1848 there have been more salaries doubled in this country than have been reduced. Now, sir, why this savage assault upon these men?

Mr. ATKINS. If the gentleman alludes to me, I disclaim making a savage assault upon anybody.

Mr. TOWNSHEND, of Illinois. Then I want to know why this vigorous protest against these examiners receiving salaries which every democratic Congress since 1848 provided. Sir, our friends will have done well enough when they adhere to the ancient practice of our party. In 1848 it is true there were only four examiners. The Patent Office was then in its infancy. Its four examiners were only required to adjudicate something like two hundred cases. What is the situation to-day?

Mr. ATKINS. They examined four hundred and seven cases apiece.

Mr. TOWNSHEND, of Illinois. I accept the gentleman's correction; in 1848 they examined four hundred and seven each.

Mr. ATKINS. And they only examine two hundred and thirty-eight apiece now.

Mr. TOWNSHEND, of Illinois. Now, sir, allow me to correct you. In 1848 they examined four hundred and seven; these principal examiners to-day examine nine hundred and fifty-two cases. These are the correct figures.

Mr. ATKINS. With the help of sixty-six others.

Mr. TOWNSHEND, of Illinois. In 1848 there were 1,028 cases for their adjudication; in 1877 there were 20,947 cases.

Now, let me say one word further; and every word I utter here is mainly intended in the interest of the vast public who are users of patents. If you put incompetent men in these positions the country will be flooded with improper patents, which will enable the sharks and harpies who are seeking patents on trifling inventions to prey upon the mass of the public, the users of the patents.

I do not doubt that in this day of poverty and distress you may find men willing to come forward and serve in this position for \$500 a year. There are poor men on the very verge of starvation who would be willing to accept a seat on the bench of the Supreme Court of the United States for \$500 a year. But the interest of the public demands that you shall offer such salaries as shall command intelligence, brains, and competent men for the discharge of such important duties in such a way as will best guard the public interest. And I will say for one that while I am ready at all times to reduce salaries where it is proper to do so, and to commend the zeal, the earnestness, and the wisdom of the Committee on Appropriations, yet I believe that at times they show that they are like all other men; they are fallible. And while I will follow their leadership in every instance where I have not had the opportunity to inspect with my own judgment the justice and correctness of their recommendations, I will every time fall out of line when I find they do not lead in the direction of true economy, and in that direction which I conscientiously feel does not promote the best interests of the public. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment offered by Mr. BRIDGES, there were—ayes 64, noes 58.

Mr. ATKINS. A quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers and appoints the gentleman from Kentucky, Mr. DURHAM, and the gentleman from North Carolina, Mr. VANCE.

The committee again divided; and the tellers reported—ayes 92, noes 62.

So the amendment was adopted.

Mr. ATKINS. I give notice that I will call for a vote upon this amendment in the House.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from North Carolina, [Mr. VANCE.]

Mr. VANCE. I wish to make an inquiry of the Chair. What was the effect of the amendment of the gentleman from Pennsylvania? Was it to amend the original bill? I understand it to be an amendment to my amendment.

The CHAIRMAN. The amendment of the gentleman from Pennsylvania [Mr. BRIDGES] was an amendment to the text of the bill.

Mr. VANCE. Then I withdraw my amendment and offer the amendment which I now send to the desk.

The Clerk read as follows:

Amend in line 1591, by striking out "thirty-five" and inserting "forty;" so as to make it read, "forty clerks of class 1."

Mr. VANCE. I will not detain the House more than a moment. I regard the Commissioner of Patents as an honorable man, and I think he is endeavoring to reduce the force to the lowest number he can get along with. The appropriation bill for the current fiscal year provided for two hundred and eighty-three employes in this office. The bill we are now considering reduces the number to two hundred and thirty-four, being a reduction of forty-nine persons. I hope that the chairman of the committee will consent to this amendment, which merely increases the number of clerks of class 1 to forty, giving five additional. I am assured by the Commissioner he cannot get along well without that additional number.

Mr. ATKINS. The bill gives five additional clerks of class 1 over the number now provided for by law.

Mr. VANCE. I was in hopes the gentleman from Tennessee would accept my amendment. It is a very modest request that I make.

Mr. ATKINS. I cannot accept it.

The amendment offered by Mr. VANCE was not agreed to.

Mr. POLLARD. I offer the following amendment:

On page 65, lines 1587 and 1588, strike out "\$2,000" and insert in lieu thereof "\$2,500;" so that it will read, "one librarian, \$2,500."

Mr. Chairman, the librarian of the Patent-Office library until two years ago had a salary of \$2,500. Two years ago his salary was reduced to \$2,000. Up to that time and for fifteen years he had received a salary of \$2,500. The library has been constantly increasing. This year in this very bill a proposition is made to appropriate \$10,000 for the purchase of books for that library. Any man who will go to the library will see that the librarian is discharging his duties. Further than that, this very bill gives to two assistant congressional librarians \$2,500 each.

Mr. ATKINS. I make the point of order on the amendment. The salary of this officer is fixed at \$2,000, and there is no law authorizing an increase of his salary.

Mr. POLLARD. The last appropriation bill fixed the salary at \$2,000, but prior to that time it was \$2,500.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed the reading of the bill and read as follows:

That the Commissioner of Patents shall, with the approval of the Secretary of the Interior, prescribe the qualifications of agents and attorneys practicing before the office, and shall admit to practice only such as possess the qualifications prescribed.

Mr. LATHROP. I offer the following amendment, to come in at the end of the section:

That from and after the passage of this act no profits or damages in any suit at law or in equity hereafter commenced for the infringement of a patent shall be recovered which shall have accrued more than four years next preceding the commencement of such suit.

Mr. ATKINS. That amendment is subject to the point of order, for it is new legislation.

Mr. LATHROP. I trust the gentleman will not make the point of order on it.

Mr. SPARKS. Oh, yes; he does make it.

Mr. LATHROP. It does not take money out of the Treasury, and is for the security of the interests of everybody, and I trust the gentleman will allow it to be adopted. It is simply a limitation, and is certainly in the line of economy.

MESSAGE FROM THE PRESIDENT.

Here the committee rose informally; and the Speaker *pro tempore* (Mr. EDEN) having resumed the chair, a message from the President, by Mr. PRUDEN, one of his secretaries, communicated to the House a message in writing.

The message further announced that the President had approved and signed bills and resolutions of the following titles:

A joint resolution (H. R. No. 4) to allow Lieutenant D. D. Tozier a gold medal awarded by the President of the French Republic;

A joint resolution (H. R. No. 229) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes;

An act (H. R. No. 1962) for the relief of Jane Clark, Margaret A. Jack, Justina Peterson, and Mary Johanson;

An act (H. R. No. 3610) to remove the political disabilities of W. B. Sinclair, of Virginia;

An act (H. R. No. 3278) to remove the political disabilities of C. H. Kennedy, of Virginia;

An act (H. R. No. 3279) to remove the political disabilities of C. H. Williamson, of New York;

An act (H. R. No. 1516) to remove the political disabilities of F. E. Sheppard, of Virginia;

An act (H. R. No. 3146) to remove the political disabilities of Charles F. M. Spottswood, of Virginia;

An act (H. R. No. 2561) to remove the political disabilities of D. M. W. Nash, of Virginia;

An act (H. R. No. 1518) to remove the political disabilities of John T. Tucker, of the District of Columbia;

An act (H. R. No. 1519) to remove the political disabilities of W. E. Wysham, of Maryland;

An act (H. R. No. 1517) to remove the political disabilities of C. B. Oliver;

An act (H. R. No. 2931) to remove the political disabilities of Henry G. Thomas, of Virginia;

An act (H. R. No. 3277) to remove the political disabilities of John D. Simms, of Virginia;

An act (H. R. No. 3612) to remove the political disabilities of R. L. Page, of Virginia;

An act (H. R. No. 5313) making appropriations for the naval service for the year ending June 30, 1880, and for other purposes; and

An act (H. R. No. 1077) to relieve certain legal disabilities of women.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. LATHROP. This amendment will certainly not increase expenditures. It will greatly reduce the great expenses in litigated cases, thus saving money to the Treasury. Beyond that, I do not know

that I have anything to add. The manifest justice and propriety of this amendment seems to me would suggest to anybody that it ought not to be excluded.

Mr. WAIT. It strikes me that the point of order is well taken. In the first place, this amendment is new legislation; in the second place, I do not consider it germane to the pending paragraph of the bill; and in the third place, it is not in the line of reducing expenditures. Upon all these grounds I think the amendment is objectionable and should not be entertained.

In regard to reducing the expenses of courts it seems to me that this is an attempt to permit parties to infringe upon patent-rights, and if they can do so secretly and cover up their tracks for four years, in that way the owners of patent-rights could be robbed of valuable property and not be allowed to obtain the redress that courts of law would otherwise give them. I think the interests of the country and every principle of honor and integrity are opposed to this proposition.

Mr. WARD. There is another consideration in regard to the point of order. A bill comprehending this same proposition is now pending before the House, having already passed the Senate and been reported by the Committee on Patents of this House.

Mr. LATHROP. This provision is only the first section of that bill.

Mr. WARD. It is pending in another bill now before the House.

The CHAIRMAN. The amendment offered certainly changes existing law, and the Chair does not think it tends to retrenching expenditures. The Chair sustains the point of order.

The Clerk resumed the reading of the bill and read the following:

For photolithographing, or otherwise producing copies of drawings of current and back issues, for the use of the office and for sale, including pay of temporary draughtsman, \$25,000.

For photolithographing, or otherwise producing plates for the Official Gazette, (including pay of employes engaged on the Gazette, for which purpose not exceeding \$6,000 of this sum may be expended,) and for making similar plates, \$24,000.

For photolithographing, or otherwise producing copies of the weekly issues of drawings, to be attached to patents and copies, \$35,000; the work of said photolithographing, or otherwise producing plates and copies, referred to in this paragraph, to be done under the supervision of the Commissioner of Patents, in the city of Washington, after due advertisement, and the contract awarded to the lowest bidder; and the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor.

Mr. ATKINS. I move to amend the last paragraph read by striking out the words "in the city of Washington." The object of that amendment is to allow these biddings to be opened to general competition all over the country.

Mr. FOSTER. I understood that the agreement of the subcommittee was that the existing law should be put in this bill.

Mr. ATKINS. There were two or three understandings, so far as that is concerned. I think the last understanding was that those words should be stricken out.

Mr. FOSTER. These words were to be stricken out, and I understood that the existing law was to be substituted.

Mr. ATKINS. I have no feeling whatever on the subject. This amendment will open this work up to general competition, and not confine it to the city of Washington. There is but one person in the city of Washington, as I am informed, who does lithographing at all. I think it is for the interest of the service to let every man have a chance.

The amendment of Mr. ATKINS was agreed to.

Mr. FOSTER. I move as a substitute for the last paragraph, as amended, that which I send to the Clerk's desk.

The Clerk read as follows:

For photolithographing, or otherwise producing copies of the weekly issues of drawings, to be attached to patents and copies, \$35,000; the work of said photolithographing, or otherwise producing plates and copies, referred to in this and the two preceding paragraphs, to be done under the supervision of the Commissioner of Patents, and in the city of Washington, if it can be there done at reasonable rates; and the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor.

Mr. CLYMER. I suggest to the gentleman from Ohio to modify his amendment, so that it will read "if it can be there done at as reasonable rates as elsewhere."

Mr. FOSTER. I will accept the amendment.

The question was upon the substitute as modified.

Mr. HEWITT, of New York. What objection is there to having this work open to competition?

Mr. FOSTER. There is this objection: this subject has been discussed a great deal in committee; it is an old subject there. The current work of this kind must necessarily be done here in the city of Washington, and there is but one concern in the city that can do it. If it is let out to the lowest bidder, then but one concern can bid for it. The words "at as reasonable rates as elsewhere" were put in in order to enable the Commissioner of Patents to get the work done elsewhere if it cannot be done here at reasonable rates.

Mr. HEWITT, of New York. I understand the gentleman to say that it must be done here in Washington. What check is provided?

Mr. FOSTER. If it can be done at reasonable rates.

Mr. HEWITT, of New York. The gentleman says the Commissioner must have it done in the city of Washington.

Mr. FOSTER. It is a very great convenience to have it done here.

Mr. HEWITT, of New York. But it is not necessary.

Mr. FOSTER. This is precisely as the Commissioner of Patents wants it. We went over the question three or four times; we have

had some trouble with it. This work was once done in the city of New York, and it was found that great annoyance and inconvenience resulted from it. Let me explain. The work on the Patent Office Gazette is now done elsewhere than here, in the city of New York, and so is a portion and I do not know but the whole of the photolithographing of drawings of current and back issues. The photolithographing of the weekly issues of drawings to be attached to patents and copies is done here in the city of Washington because of the convenience of having it done here.

This is an old subject. Each Commissioner of Patents has recommended this provision. We have tried the other way and it is deemed best to come back to this.

Mr. COX, of New York. I hope the amendment striking out the words "in the city of Washington" will be adopted.

Mr. DURHAM. That has been adopted.

The question was taken upon the amendment proposed by Mr. FOSTER; and upon a division there were—ayes 36, noes 73.

No further count being called for, the amendment was not agreed to. The Clerk resumed the reading of the bill and read the following:

Bureau of Education:

For the Commissioner of Education, \$3,000; chief clerk, \$1,800; one clerk of class 4; one statistician, \$1,800; one clerk of class 3; one translator, \$1,600; one clerk of class 2; four copyists, at \$900 each; one assistant messenger; in all, \$17,320.

Mr. GOODE. I move as a substitute for the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

Bureau of Education:

For the Commissioner of Education, \$3,000; chief clerk, \$1,800; two clerks of class 4; one statistician, \$1,800; one clerk of class 3; one translator, \$1,600; two clerks of class 2; two clerks of class 1; six copyists, at \$900 each; one assistant messenger; one laborer; in all, \$25,440.

Mr. DURHAM. I make the point of order on that amendment that it increases expenditures. I will inform the gentleman from Virginia [Mr. GOODE] that the law creating this bureau does not provide for a single clerk, only for a commissioner. This is new legislation and not in the interest of economy.

Mr. GOODE. I understand that the estimates of the Bureau of Education are based upon existing law. I do not understand that this amendment contemplates any change of existing law. It simply proposes to make such an appropriation as is requested by the Bureau of Education. The number of these officers in the bureau is not fixed by law.

Mr. GARFIELD. Allow me to add a word upon the question of order. This is among that large class of cases arising upon all appropriation bills where we are called upon to make appropriations for the support of the Government. The Bureau of Education is a branch of the Government; and the question whether it shall have more or fewer clerks is simply one of ordinary legislative detail. A proposition relating to the mere increase or diminution of the number of clerks in any branch of the Government has never been regarded as subject to a point of order. What is more, I understand that the very figures proposed in the amendment of the gentleman from Virginia have been in our appropriation bills very much oftener than any smaller number.

Mr. DURHAM. The gentleman is mistaken about that. The bill provides for the same force that this bureau has now.

Mr. GARFIELD. The amendment is in conformity with the repeated recommendations of the Department for the support of this bureau. Every one will admit that a large number of the appropriations embraced in this bill are not in pursuance of any statute outside of the appropriation bills themselves. There is an independent statute, enacted in 1867, establishing this bureau and making it one of the regular bureaus of the Interior Department. Now the question how many clerks there shall be in this bureau is such a question as is always open to discussion upon an appropriation bill; there is no other place for such legislation.

Mr. DURHAM. I ask the Clerk to read two sections on this subject from the Revised Statutes.

The Clerk read as follows:

SEC. 516. There shall be in the Department of the Interior a bureau called the Office of Education, the purpose and duties of which shall be to collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

SEC. 517. The management of the Office of Education shall, subject to the direction of the Secretary of the Interior, be intrusted to a Commissioner of Education, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of \$3,000 a year.

Mr. DURHAM. While the statutes establishing or organizing other bureaus of the Government provide for clerical force, the provisions just read do not anywhere so provide. Consequently I submit that the amendment proposes new legislation. The force provided for in the bill is precisely in accordance with existing law.

Mr. GARFIELD. If the Chair will refer to page 48 of the estimates he will find that this amendment is in absolute conformity with the language of the estimates.

Mr. DURHAM. I do not deny that.

Mr. GARFIELD. The pages and volumes of the statutes where these appropriations have been made heretofore are there referred to. The gentleman from Kentucky might just as well make his point of

order against the whole paragraph, against every clerk provided in the bill as printed, as to make the point against this amendment. If the point of order is good here, it is good against nearly every clerk named in this bill. The mere question whether there shall be one, two, three, four, or five clerks in a particular bureau is not a matter involving any question of order. If it is in order to provide for any clerks at all in this bill, it is in order to increase the number unless it can be shown that there is some statute fixing the number and that this proposition would be a violation of that statute. I affirm that there is no statute, independently of the appropriation bills, that fixes the number of clerks in this bureau.

Mr. DURHAM. The appropriation bills having provided heretofore a certain number of clerks for this bureau, and those provisions being all the law on this subject, when you increase the number of clerks beyond that you go outside of the existing law. I hold in my hand the appropriation act for the present fiscal year; and the portion of it relating to the Bureau of Education is precisely copied in this bill. I do not care what the estimates are. The estimates were the same last year as they are this; but we did not see proper to give all that the Department asked.

Mr. GARFIELD. The Chair will remember that clause of our rule which makes in order appropriations for carrying on any Department of the Government. Suppose we should propose to insert a provision for a contingent fund in some bureau; could that be ruled out of order? Certainly it could if that Department had no contingent fund already. But if last year there was a contingent fund provided for the Pension Bureau, would gentlemen say that a proposition now for a contingent fund for that bureau must be ruled out of order? A provision for a contingent fund would be in order under the rule authorizing appropriations for carrying on the various departments of the Government; and this amendment is in order under the same rule.

The CHAIRMAN. The Chair cannot but think that the amendment offered by the gentleman from Virginia is outside of the provisions of existing law. He therefore sustains the point of order.

Mr. COX, of New York. I move to amend by striking out the pending paragraph, as I would strike out also the subsequent paragraph relating to the same subject. I think the cause of education would be best subserved by abolishing this bureau. I do not think it is legitimately a part of our Federal system. I believe the business which it undertakes to perform belongs properly to State institutions and State educational systems. This bureau, as a branch of the Federal Government, appears to me to be an anomaly in our system which ought to be wiped out. This question has been argued here again and again. I hope we may some time get educational men to join us in wiping out the whole system.

Mr. GOODE. Mr. Chairman, I think my friend from New York [Mr. Cox] misapprehends entirely the scope of this bureau. No gentleman on this floor, not even the gentleman from New York himself, is more strongly opposed than I am to the establishment of a large, overgrown national bureau of education here at the city of Washington. I believe that it is unwise and unsafe for the General Government to interfere in any way with the educational systems of the different States. But as a member of the Committee on Education I have had opportunity to examine the operations of this bureau, to form an opinion in regard to the scope of its work; and I say that the gentleman misapprehends entirely the objects and purposes of this bureau. Why, sir, what is its intent? Its whole function is to collect information upon educational matters and to disseminate it for the benefit of those who voluntarily apply for such information. Can any State-rights man object to this? Can the most straitlaced strict constructionist object to furnishing information on educational matters to the officers of the States and the educators of the States who apply voluntarily therefor? This bureau does nothing more. Sir, I undertake to say, from the examination which I have given to this subject, it is doing a great work.

What are they doing? Why, sir, the examination of the reports on educational matters at home and abroad, the condensation of information in the form of abstracts, the translation of important valuable matter, the distribution of school-books at home and abroad, require the employment of the force asked for in this section, and a much larger force.

I am very sorry to see my friend has permitted his fears upon the subject of State rights to induce him to make opposition to a valuable auxiliary like this. We had here the other day, and the gentleman surely is not unaware of the fact, a convention of State educators, of State, county, and city superintendents of schools, some of whom doubtless came from the gentleman's own State. They examined the operations of this bureau. They have indorsed it. They say it is doing a most valuable work.

Now, Mr. Chairman, I do not yield to the gentleman in my adherence to State rights. I have been brought up at the feet of Gamaliel on that subject, and as a strict constructionist of the State-rights school I am unable to sympathize with him in the fears he has expressed on this occasion. I am a member of this committee; I have had opportunity of examining the operations of this bureau, and without arrogating anything whatever to the Committee on Education I think we know something of the needs of this bureau in regard to the work which it has undertaken.

[Here the hammer fell.]

Mr. COX, of New York. Mr. Chairman, I knew my friend was

chairman of the Committee on Education and Labor from the laborious and educated speech he has made. [Laughter.] When this matter first came into the House of Representatives they only wanted a little bureau here for educational statistics; that would not cost anything—not more than \$1,000 at the furthest. Now it comes here asking an appropriation of nearly \$30,000—\$23,000, at least.

A MEMBER. And that does not include the printing of the voluminous reports.

Mr. COX, of New York. Yes, sir, and there is the printing of the reports to be paid for besides.

Mr. GOODE. Let me say to the gentleman, if he will allow me, that this bureau has had no increase of appropriation since 1872, while the work has been enlarged from that day to this.

Mr. COX, of New York. I suppose very likely that is true. It should have been cut off altogether. It is a fungus growth which began in the early days of the republican party before they became so good. [Laughter.]

Mr. HAYES. When they were trying to educate democrats.

Mr. COX, of New York. When they cut down the old school system of the States, the old New England system.

They do not get along so well as under the old district-school system. I am not altogether opposed to education. [Laughter.] I see some men I should like to see better educated. I look around the House and am surprised sometimes at the want of education on both sides of the House. [Laughter.] I have a man in my eye who should be educated about State rights, [laughter,] who ought to be educated so as to understand where the Federal system ought to come in and the old system ought to quit.

I tell you, Mr. Chairman, when you break down the old-fashioned district-school system you break down the foundation of American liberty and the foundation of American institutions. Suppose it did come from New England; I am not against it for that. Who on the other side is opposed to that? You want some central power. My friend from Virginia says they gather here from all parts of the country and make demand for a Federal system. What for? For information. Information about what? How to teach. Teach what, and how? Out of school-books. Who issues the school-books they order? What publishing house sends out the school-books and text-books? There is your little game. [Laughter.] There is the little joker under all this business. [Laughter.] Did you never think of that? The men who want to run this Bureau of Education want text-books for certain purposes.

The CHAIRMAN. The gentleman will suspend to receive a message from the Senate.

Mr. COX, of New York. I am suspended. [Laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose for the purpose of receiving a message from the Senate, by Mr. SYMPSON, one of its clerks, which announced that that body had adopted a concurrent resolution for the printing of seven hundred copies of Senate Miscellaneous Documents Nos. 13, 17, 19, and 25, relating to the improvement of the sewerage and sanitary condition of the District of Columbia, &c.; in which concurrence was requested.

It further announced the passage of a bill and joint resolution of the following titles; in which concurrence also was requested:

An act (S. No. 1529) to authorize the commissioners of the District of Columbia to adjust and fix the water rates within said District, and for other purposes; and

A joint resolution (S. No. 46) authorizing Lieutenant F. V. Greene, United States Army, to accept certain decorations conferred upon him by the Emperor of Russia.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The committee resumed its session.

Mr. HASKELL rose.

The CHAIRMAN. Does the gentleman from New York [Mr. Cox] yield to the gentleman from Kansas, [Mr. HASKELL?]

Mr. HASKELL. I thought the gentleman from New York had yielded the floor.

Mr. COX, of New York. I will not occupy the attention of the committee longer, but will simply commend to my good friend from Kansas the reading of the last educational report after he gets home, and if after that he continues to vote for this bureau I am sorry for him.

Mr. HASKELL. I do not wonder that the gentleman from New York objects to this department of education. I do not wonder that he objects to provision being made for school-books. Why, sir, school-books are only disguised republican campaign documents. I do not wonder the gentleman desires to suppress the whole business. We cannot, as a party, live without it. Some of us tried the other day to establish a free-school system in aid of free-school systems in the Southern States. Why, sir, it was simply a republican campaign trick. All we were driving at was to reorganize the republican party down South. We cannot live as a party unless we have schools. We must have them; it is a part of the institution.

In reference to the idea of this bureau taking the place of any school system of any State, it is simply absurd. It interferes with no system. The gentleman from New York might as well argue for the abolition of the Agricultural Department as infringing on the

rights of the individual farmer, as quarrel with this Bureau of Education, which simply furnishes the educator what the Agricultural Bureau furnishes a farmer, information; that is all.

I was in hopes the honorable gentleman from Kentucky would have withdrawn the point of order and would have permitted an enlargement of the force of this bureau. It is doing good work; it is doing it in a way that can only be done by some Government officer, collecting information from all over the world, placing it within the easy reach of every educator in the land, interfering with no State-rights doctrine, damaging only the democratic party, politically; that is all.

The question being put on the amendment of Mr. Cox, of New York, there were—ayes 31, noes 58.

So (further count not being called for) the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph under the head "Bureau of Education:"

For contingent expenses, namely: Cases for library, \$500; library, \$1,000; current educational periodicals, \$250; other current publications, \$225; completing valuable sets of periodicals and publications in the library, \$200; telegraphing and expressage, \$900; collecting statistics and writing and compiling matter for annual and special reports, and editing and publishing circulars of information, \$8,000; fuel and lights, \$275; office furniture, \$250; contingencies, \$500; in all, \$11,400.

Mr. LORING. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "information," in line 1660, and insert the following: "\$15,000; fuel and lights, \$400; office furniture, \$250; contingencies, \$1,075; in all, \$19,100."

Mr. LORING. I offer this amendment because the office is increasing and the demand made for the statistics collected there is increasing also. It is a mere matter of necessity, the officer finding it difficult to conduct the office without this appropriation.

Mr. ATKINS. We give the same as we gave last year.

Mr. DURHAM. I want to say to my friend from Massachusetts that he has gone far beyond the estimates of the Department. I hold them in my hand and they ask no such appropriations.

Mr. GOODE. The gentleman from Kentucky is mistaken; the Bureau of Education does ask for this appropriation.

The question being taken on Mr. LORING's amendment, there were—ayes 59, noes 53.

Mr. ATKINS. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. DURHAM, and the gentleman from Massachusetts, Mr. LORING.

The committee again divided; and the tellers reported—ayes 90, noes 64.

So the amendment was agreed to.

Mr. ATKINS. I give notice that I will ask for a vote in the House on this amendment.

The Clerk resumed the reading of the bill and read the following paragraph:

Office of Auditor of Railroad Accounts:

For Auditor, \$3,500; book-keeper, \$2,400; assistant book-keeper, \$2,000; one clerk, \$1,400; one copyist, \$900; traveling and other expenses, \$1,000; incidental expenses, \$250; in all, \$11,450.

Mr. THROCKMORTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1666 strike out "for Auditor, \$3,500," and insert "for Auditor, \$4,000." In line 1669 strike out "traveling and other expenses, \$1,000," and insert "traveling and other expenses, \$2,000."

In line 1670 strike out "incidental expenses, \$250," and insert "incidental expenses, \$500."

In line 1671 after "\$250" add "for one railroad engineer, \$2,000; one clerk, \$1,600; one messenger, \$600."

In line 1671 strike out "\$11,450" and insert "\$17,400."

Mr. THROCKMORTON. Mr. Chairman, I send up to the Clerk's desk a letter from the Auditor of Railroad Accounts to the Secretary of the Interior, giving the reasons for the amendment I have proposed. I ask the attention of the committee to the reading of the letter.

The Clerk read as follows:

Among the reasons why the appropriation for the next fiscal year should be increased, rather than decreased, are—

1. The recent decision of the Supreme Court in the "5 per cent." cases will necessitate during the present and coming year an examination of the books of the Central Pacific Railroad Company in their offices at San Francisco, California, in order to determine the amount due from that company to the United States. The Department of Justice will rely upon this office for the investigation. The work will extend back nearly nine years. The amount involved is about \$3,000,000. The settlement will be the heaviest and most complicated of all the Pacific Railroad cases. The work will take two persons not less than from three to six months each.

2. Under the same decision, the accounts of the Union Pacific and Kansas Pacific Railroad Companies will also have to be examined, involving together between one and two million dollars due to the United States. The offices of these companies at Boston and Kansas City will have to be visited and much time spent there for the purpose.

3. Case No. 11901, now pending in the Court of Claims—Union Pacific Railroad Company vs. United States—will require much work and traveling to be done by this office. The railroad company claims compensation for mail service at the rate of nearly \$600,000 per annum. The Post-Office Department has awarded them but about \$325,000 per annum; the difference in contest is over \$800,000 from February 1, 1876. The company's counsel desired to have certain facts agreed to by the Attorney-General, but an examination of the case by this office showed good reason for resisting the overcharge, and the proposed stipulation was not entered into.

4. Another suit is pending in the Court of Claims, No. 11471—The Atchison, To-

peka, and Santa Fé Railroad Company vs. United States—which involves the question of how much deduction the Government is entitled to for transportation on land-grant railroads. There are forty such railroads. The deduction heretofore has been 33 1/3 per cent. from regular rates. A bill now before Congress proposes to make the deduction 20 per cent. The facts which have been developed by this office demonstrate that the deduction should be from 40 to 60 per cent., according to circumstances. This office is now assisting the Department of Justice in this suit. The saving to the Government in this single suit, it is believed, will not be less than \$20,000; and, by reason of the application of the principles evolved, will save large amounts annually hereafter.

The honorable the Attorney-General, and the officers of the Department of Justice, are respectfully referred to in corroboration of these statements.

There are, it is seen, peculiar reasons why just at this time, more than at any other, the needed appropriations should be granted.

As to item No. 1—"Auditor's salary"—which it is proposed to reduce \$1,500, it is merely stated that the work he is called upon to perform in general, as well as in the important lawsuits referred to, is of a special, expert, and exacting character, and different from any ordinary or routine work of the Departments.

As to item No. 6—"traveling expenses"—the amount of \$2,000 is not excessive in view of the special work to be done during the coming year. Itemized accounts are required for all expenditures, and economy enforced.

As to item No. 7—"incidental expenses"—if the additional clerk and engineer asked for are given, the amount should be as estimated for—\$500; if not, the committee's proposed amount, \$250, will probably be sufficient.

As to item No. 8—"one clerk"—this additional force has been asked for in view of the heavy special work before spoken of, and will not be likely to be required after that is through with.

As to item No. 9—"one messenger," \$600—it was presumed at the time of the passage of the law creating the bureau that the Department would afford a messenger, but it appears that the Department cannot spare one; therefore, a messengership has been asked for.

As to item No. 10—"inspecting engineer," \$2,000—there is need of a competent railroad engineer to be attached to the bureau, in order that a rigid and careful examination be made of subsidized railroad property at stated periods. Such examinations have not been made, it is believed, since the completion of any of these roads. Commissions for the purpose are unwieldy and expensive. The chairman of the Government directors of the Union Pacific Railroad says, in this respect, that a competent inspector only is needed to make "that piece of machinery complete," alluding to this office. This small appropriation for an inspector will undoubtedly be of great service to the Government in its several branches, and in determining future action in regard to these railroads.

I have the honor to be, sir, your obedient servant.

THEOS. FRENCH, Auditor.

Hon. C. SCHUEZ,

Secretary of the Interior.

Mr. ATKINS. I ask that the amendment may be again read.

The amendment was again read.

Mr. ATKINS. As to the three additional employés, I raise the point of order that there is no law authorizing that portion of the amendment.

Mr. THROCKMORTON. I ask the gentleman not to make his point of order yet. I think the committee will adopt the amendment if it understands what is to be obtained by it. It will be remembered that at the last session there were two bills passed by Congress—one popularly known as the Thurman bill—

Mr. ATKINS. I hope the gentleman will confine himself to the point of order.

Mr. THROCKMORTON. I will not insist on the portion of the amendment objected to, as I am aware that under the ruling of the Chair heretofore it is obnoxious to the point of order.

Mr. ATKINS. I have no objection that the appropriation for expenses should be increased up to \$1,600. I am informed on good authority that that amount will be required. The committee have information they did not have upon that point when they made up the bill. That is about all "the office" expended for this purpose, and all it needs. As to the salaries, I will detain the House but one moment.

This Auditor has four or five employés under him, whereas the Second Auditor has one hundred and forty-five employés under him, the Third Auditor one hundred and forty-four, and the Sixth Auditor has two hundred and fifty-seven employés under him. This Auditor has only five. These Auditors only get \$3,600 each. This officer is provided with a salary of \$4,000. The committee cut it down to \$3,500, so as to make his salary in accordance with the salaries of men who have more employés under them.

Mr. COX, of New York. I am in favor of the amendment offered by the gentleman from Texas.

Mr. SPARKS. The gentleman is now on the other side.

Mr. COX, of New York. I am on the other side. I want the reinforcement of the bureau that looks after these railroads from which there is a good deal of money due to the Government. You want expert and able men, who are here and there doing great service. There might be another side to that.

Mr. ATKINS. The Committee on Appropriations did not cut down the appropriation for the Bureau of Education.

Mr. COX, of New York. I am not talking now about the Bureau of Education. I have my own ideas about that, and before the gentleman came to Congress I expressed them before the Bureau of Education was made.

The gentleman from Illinois, [Mr. SPARKS,] helped to pass the Thurman bill, and now when that bill is becoming vigorous the gentlemen on the Appropriation Committee seem to want to cut down the salaries of every man who is employed to carry out the work. While our Government is asleep these railroads roll on, and with that grows their debit account to the Government. They only pay us what they owe us at the end of litigation in which their largess is used to defeat us. The Auditor's report which has been read at the instance of the gentleman from Texas [Mr. THROCKMORTON] develops that in their reports to the Interior Department there are very great

and very sinister discrepancies between their reports made to the stockholders.

They have figures for the stockholders and figures for the Interior Department, or for the Government. The report which the gentleman from Texas has just had read, shows that in the year 1878 there was a net increase of the expenses of running the road over the previous year of \$1,793,000. How was that expense incurred? It was a very marvelous increase since Congress made large grants to these railroads. The letter of the president of the Central Pacific Railroad is simply a piece of intolerable insolence toward the Thurman bill and to the American Congress which passed that bill which is utterly unendurable. These roads are the creatures of Congress and yet they threaten our legislation with unendurable litigation and I want to re-enforce this bureau to fight them.

These roads are our creatures and yet we are threatened here by them. There are three different cases here. The Central Pacific owes three millions, the Union Pacific two millions, and the Atchison Railroad has large land grants, and we need the men in this bureau necessary to ferret out the interests of the Government against all these smart, provident, and unscrupulous agents.

Mr. SPARKS. It can only be done by legislation, and in the courts. This Auditor and these clerks only perform routine duties and should be paid accordingly.

Mr. COX, of New York. They propose to be of some help to the Government in getting back the money due from the railroads to the Federal Government. I would not strike them down in that work. Why look at the report of the Auditor. It shows that we need a re-enforcement of this bureau. It has great work to do.

Unless these men who are derelict in their duty are called to account and caused to cease their litigation, Congress will in the end have to take charge of the railroads and make them amenable to the laws, in order that we may get the money due to the Government and have a response from them in court at least if not in legislation.

Mr. THROCKMORTON. I would say in support of the amendment I have offered that I regret exceedingly that the Committee on Appropriations have objected to the provision for an engineer. I am satisfied that if this bureau were properly supported we would save five times more than it costs. There can be no question about the letter just read here. It points to instances where the agency of this bureau was brought into play in which the Government has already saved large sums, and it will save larger sums in the future.

There are forty railroads that have to be examined and reported on by this bureau, and if the bureau is properly supported, in my judgment, it will be the entering wedge to something that will tend to regulate the railroads of the country, and will supersede the necessity of the bill passed by the House commonly known as the Reagan bill.

It is by supporting this bureau and making it efficient that hundreds of millions of dollars which have been appropriated by Congress in the way of bonds and interest will be saved to the Government in the future. That cannot be done unless Congress supports this bureau.

Mr. SPARKS. I certainly have no objection to the speeches made by these gentlemen, the gentlemen from New York [Mr. COX] and from Texas, [Mr. THROCKMORTON.] I certainly want these railroads to be controlled, and we certainly have a great deal of trouble in bringing them within proper control.

But what is the question now before this Committee of the Whole House? The Committee on Appropriations have attempted to equalize the pay of certain auditing officers and clerks. Finding this Auditor and the officials under him receiving more pay than they ought to receive for the labor done by them, the committee have simply put their pay on the proper basis; and in that I think that they have acted wisely and in the line of economy.

Now, what that has to do with the speech of my friend from New York [Mr. COX] touching the wrongful act of these railroad companies I cannot conceive. What difference does it make with respect to what these railroads will do to the Government whether this Auditor is paid \$3,500 or \$4,000 a year?

There are subjects connected with these railroads now in litigation before the courts which the courts must determine. The subject is also partly before Congress, and is a subject-matter for legislation; and it is for us to do what we can as legislators to curb the exorbitance and rapacity of these railroads. This Auditor is simply discharging administrative duties; and as the committee find he is now being paid more than he ought to be paid, they have reduced his rate of compensation to such amount as everybody looking to the services he has to perform will say is sufficient for the services to be rendered.

Is the gentleman from New York [Mr. COX] more in favor of curbing these railroads than I am? I deny it. I voted for the Thurman bill. I will stand by it, as I will stand by everything which will protect the interests of the people of this country against the exorbitant demands of these grasping railroad corporations everywhere. But what that has to do with the present amendment to increase the pay of this Auditor and these clerks I am at a loss to see, and I hope that the amendment will not prevail.

Mr. ATKINS. Has not the Chair ruled out a portion of this amendment?

The CHAIRMAN. The Chair understands the gentleman from Texas [Mr. THROCKMORTON] to withdraw the portion of the amendment ruled out of order.

Mr. THROCKMORTON. I will accept the suggestion of \$1,600 for traveling expenses, and the Clerk can make the aggregate correct.

The question was taken upon the amendment of Mr. THROCKMORTON as modified; and upon a division there were—ayes 25, noes 41.

Mr. THROCKMORTON. No quorum has voted on that amendment.

Tellers were ordered; and Mr. THROCKMORTON and Mr. DURHAM were appointed.

The committee again divided; and the tellers reported that there were—ayes 40, noes 57.

No further count being called for, the amendment was not agreed to.

The Clerk resumed the reading of the bill and read the following:

For First Assistant Postmaster-General, \$3,500; chief clerk, \$2,000; two clerks of class 4; twelve clerks of class 3; six clerks of class 2; twelve clerks of class 1; two clerks, at \$1,000 each; three assistant messengers; superintendent of blank agency, \$1,800; assistant superintendent of blank agency, \$1,600; four assistants to superintendent of blank agency, at \$1,200 each; two assistants to superintendent of blank agency, at \$800 each; one assistant messenger; one laborer, (for blank agency); superintendent of free delivery, \$2,100; one clerk of class 2, (office of superintendent of free delivery); in all, \$70,140.

Mr. HENKLE. I move to amend the paragraph just read so as to make the salary of the superintendent of free delivery \$2,250. I trust there will be no objection to that additional \$150 to the compensation of this very efficient and experienced officer. The duties of this department of free delivery are very important, very onerous and responsible, and are increasing every year. This officer has but one assistant and that assistant is a second-class clerk. This officer has been in the employment of the Government in a similar capacity for very many years, and I trust there will be no objection to this small addition to his pay.

Mr. ATKINS. We propose in this bill to give him the same compensation that we gave him last year. I do not know who the gentleman is or anything about him.

Mr. HENKLE. I know the gentleman personally. He is a very efficient and excellent officer, and I am satisfied that his services are worth what I proposed to give him by my amendment. We have been in the habit of paying several of the heads of bureaus the sum I have named.

Mr. ATKINS. The gentleman has the advantage of knowing the gentleman; I do not know him.

The amendment was not agreed to, upon a division—ayes 14, noes not counted.

Mr. HANNA. I move to amend the paragraph so as to make the compensation of the First Assistant Postmaster-General \$4,500 instead of \$3,500 as named in this bill. In looking over this bill, as well as the bill passed at the last session of Congress, I can see no reason why in several instances we should pay heads of bureaus \$5,000 each and only pay the First Assistant Postmaster-General \$3,500. In the Treasury Department we pay the First Comptroller of the Treasury \$5,000, although his duties are infinitely less and the responsibilities much less than those resting upon the First Assistant Postmaster-General.

This is one of the Departments of the Government where the duties and responsibilities year by year are on the increase. It is utterly impossible for the Postmaster-General himself to manage the Department, by reason of its size and of the quantity of business required to be transacted. The duties discharged by the First Assistant Postmaster-General are in a great measure of the same character as those discharged by the Postmaster-General himself.

It does seem to me that if we properly grade these officials we certainly should pay the First Assistant Postmaster-General within \$500 of as much as we pay many heads of bureaus in other Departments. I think the amendment I have offered will commend itself to the sense of justice of every fair-minded man.

Mr. ATKINS. Let the amendment be again read.

The amendment was read again.

Mr. ATKINS. This amendment is subject to a point of order.

Mr. CALKINS. It is too late now to raise the point of order; there has been discussion on the amendment.

Mr. ATKINS. There was so much confusion here in the Hall I could not hear the amendment read. I believe the Chair decided the other day, when the gentleman from Virginia [Mr. TUCKER] stated that he had arisen and addressed the Chair, that he would permit the gentleman from Virginia to return to a part of the bill which had been passed. This is a similar case to that. I did not hear the amendment read, and consequently I could not tell whether it was subject to a point of order or not.

The CHAIRMAN. In regard to the case of the gentleman from Virginia [Mr. TUCKER] to which the gentleman from Tennessee [Mr. ATKINS] refers, the Chair will state that the gentleman from Virginia said he had risen to offer an amendment, but had not been heard by the Chair. Now, if the gentleman from Tennessee will say that he made the point of order in time the Chair will recognize him.

Mr. ATKINS. I said I did not hear the amendment read in consequence of the confusion here, and therefore I could not make the point of order. The gentleman from Indiana [Mr. HANNA] was upon the floor speaking and I did not want to interrupt him.

The CHAIRMAN. The Chair is not responsible for the gentleman not hearing the amendment.

Mr. ATKINS. Then I will address myself to the merits of the proposition.

Mr. CHALMERS. I move to amend the amendment by adding the following:

Provided, That no part of the same shall be applied to Indian agents.

[Laughter.]

The CHAIRMAN. Does the gentleman from Tennessee make a point of order upon the amendment?

Mr. ATKINS. I do.

The CHAIRMAN. The Chair rules that the amendment is not in order.

Mr. HANNA. I will say that it is not the purpose of this amendment to pay for any dispatches for the sending of mules to Indiana.

Mr. ATKINS. Mr. Chairman, who has the floor?

The CHAIRMAN. The gentleman from Tennessee, [Mr. ATKINS.]

Mr. ATKINS. That was my opinion. [Laughter.] Mr. Chairman, I do not desire to discuss this question at all. I am exceedingly anxious to get along with this bill. I know that the office of First Assistant Postmaster-General is an important and distinguished office. I am aware that it has intricate and laborious duties attached to it. But every member of the House is well acquainted with the nature of this office and its duties; hence I will not discuss the question. I hope gentlemen on the other side will allow a vote to be taken without further discussion.

Mr. HANNA. I am willing.

Mr. ATKINS. I will only state that we have given all that the estimate asks for; and the appropriation reported is in accordance with the law.

Mr. HANNA. If the discussion is to go on, I would submit, as a question of justice, whether the head of a bureau in another Department, performing less service, should be paid \$5,000, while the First Assistant Postmaster-General receives only \$3,500?

The question being taken on the amendment of Mr. HANNA, it was not agreed to; there being—ayes 27, noes 59.

The Clerk read as follows:

For Second Assistant Postmaster-General, \$3,500; chief clerk, \$2,000; chief of division of inspection and equipment, \$2,000; seven clerks of class 4, one of whom shall have \$200 additional as superintendent of railway adjustment; twenty-six clerks of class 3; thirteen clerks of class 2; twelve clerks of class 1; four clerks, at \$1,000 each; two assistant messengers; in all, \$99,940.

Mr. TOWNSEND, of Ohio. I offer the following amendment:

Strike out all after the word "one," in line 1715, to the word "superintendent," in line 1717, and after the word "adjustment," in line 1717, insert the words "two thousand dollars."

In line 1720, after the words "in all," strike out "ninety-nine" and insert "one hundred and one."

Mr. DURHAM. I reserve a point of order on this amendment.

Mr. TOWNSEND, of Ohio. The effect of this amendment will be to increase the clerical force by the addition of one officer, who shall be designated superintendent of railway adjustment, and to increase the appropriation to the extent of \$2,000. The service connected with this position has vastly increased within the last four or five years. The office is a very important one and requires a highly qualified man to perform the duties. The business of the office is now double what it was a few years ago. The amount involved in the questions passing under the supervision of this officer to-day is over \$10,000,000 per annum. The change in the law on the subject of compensation of railroads makes the duties very laborious. The Third Assistant Postmaster-General, General Brady, desires an additional clerk for the satisfactory performance of these duties.

Mr. DURHAM. The point of order I raise upon this amendment is that it proposes to create a new office not recognized by law. I will say that we have given this Department every clerk that was asked for.

Mr. TOWNSEND, of Ohio. This bill now provides for "seven clerks of class 4, one of whom shall have \$200 additional as superintendent of railway adjustment." As amended it will provide for one superintendent of railway adjustment at \$2,000. The amendment does not create a new office, but only designates this additional clerk to act in the capacity of superintendent of railway adjustment.

Mr. DURHAM. But we require a clerk of class 4 to be the railroad adjuster. That does not create the office of superintendent of railroad adjustment. The Chair will see the distinction at once.

The CHAIRMAN. The Chair thinks the point of order well taken.

Mr. HUNTON. I desire to offer an amendment which I hope and believe will not be antagonized by the Committee on Appropriations:

In lines 17 and 18 strike out "six" and insert "seven;" and in the same line strike out "thirteen" and insert "twelve."

The effect of this amendment, if adopted, will be to provide for twenty-seven clerks of class 3 instead of twenty-six, and twelve clerks of class 2 instead of thirteen. It does not increase the number of clerks; it simply provides for one more of class 3 and one less of class 2. I desire to state candidly to the committee my object in offering the amendment. I believe the Committee on Appropriations is familiar with the facts of the case. In the Post-Office Department there are several corresponding clerks, all of whom are in class 3 except one, who is in class 2. This amendment is designed to put all the corresponding clerks in class 3, so that they shall all be upon an equal footing. The corresponding clerk who is now in class 2 instead of class 3 is a most excellent officer, who has charge of three States, and as a Representative from one of those States I beg leave to bear

testimony to the value and efficiency of this officer in his sphere of duty.

Mr. FOSTER. Is the gentleman sure that his man will be put up if this amendment is adopted? [Laughter.]

Mr. HUNTON. I will send to the Clerk to be read a letter from Mr. Rowe, with the indorsement of the Second Assistant Postmaster-General.

Mr. HARRIS, of Virginia. Mr. Rowe is a most deserving officer. I hope we shall adopt the amendment and do away with an unjust discrimination.

Mr. HUNTON. I beg to state another fact. While this corresponding clerk, Mr. Rowe, is in class 2, his next subordinate in the same bureau or division is in class 3. We desire to correct what is to my mind a great outrage.

Mr. HARRIS, of Virginia. Now let us have a vote.

Mr. DURHAM. I wish to be heard before the vote is taken. [Cries of "No!" "No!" and laughter.] Yes, Mr. Chairman, I desire to make a response to the remarks of the gentleman from Virginia. This is not the first case which has come to the committee on personal appeals for the purpose of putting individuals into higher offices than they are serving in now. It is a constant application, and we have passed over already I will say fifteen or twenty special cases where we have refused upon the same ground we have refused the gentleman from Virginia. We do not doubt the competency of the man it is proposed to elevate, but we cannot make these discriminations.

Mr. HUNTON. I do not ask the gentleman to make any discrimination. I ask him to refrain from making discriminations. The discrimination here is against Rowe. Every corresponding clerk of the Post-Office Department is in class 3 except this one. I ask that there shall be no discrimination.

Mr. DURHAM. I hope the gentleman will not take up my time. Why did not the Postmaster-General recommend the increase? I will say to this House we have given every particle here the Postmaster-General asked, so far as his Department is concerned.

Mr. HARRIS, of Virginia. We only ask there shall be no discrimination in this case, but, on the contrary, that justice shall be done to Mr. Rowe.

Mr. DURHAM. The Postmaster-General did not ask to have this increased to twenty-seven and the other reduced to twelve.

A MEMBER. But the gentleman from Virginia says this is one of his constituents.

Mr. DURHAM. We cannot afford on a general appropriation bill to legislate in favor of any man's constituents. It is an unjust discrimination.

Mr. HARRIS, of Virginia. This amendment is rendered necessary in order to do away with unjust discrimination, and I hope it will prevail.

Mr. CALKINS. If the Postmaster-General fails to make a recommendation which is clearly right, is that any reason why the committee should not do it.

Mr. DURHAM. We believed the Postmaster-General was right. He did not want to legislate in favor of any particular individual.

Mr. HARRIS, of Virginia. Do you follow him in all his recommendations?

Mr. DURHAM. Yes, when they are right we follow them, but when they are wrong we do not. [Laughter.]

Mr. HUNTON. I desire to state what the Second Assistant Postmaster-General says in regard to this case. Mr. Rowe addressed a letter to Hon. Thomas J. Brady, Second Assistant Postmaster-General, in which he stated the facts as I have stated them to the committee. His indorsement on the back of it is to Mr. Rowe: "The facts are as stated. You ought to be a third-class clerk. The difficulty is I have not enough of that grade to go around." [Laughter.]

Mr. HARRIS, of Virginia. That is enough; now let us have a vote.

Mr. DURHAM. I wish to respond to that by holding up in the presence of this committee his recommendation, where he has only recommended twenty-six clerks of that class. I hold it up in my hand.

The committee divided; and there were—ayes 63, noes 39.

Mr. DURHAM. I will not ask for a further vote, but give notice that I shall ask for a vote on this amendment in the House.

So the amendment was agreed to.

The Clerk read as follows:

For contingent expenses of the Post-Office Department: For stationery, \$9,000; fuel for the General Post-Office building, including the Auditor's Office, \$4,400; for gas, \$5,000; plumbing and gas-fixtures, \$4,000; telegraphing, \$3,000; painting, \$3,000; carpets, \$5,000; furniture, \$5,000; keeping of horses and repair of wagons and harness, \$1,200; hardware, \$1,500; and for rent of house numbered 915 E street northwest, \$1,500; and for miscellaneous items, \$6,000; in all, \$53,600.

Mr. ATKINS. I move, on page 72, in line 1763, after the word "fuel," to insert "and repairs of the heating apparatus."

The amendment was agreed to.

The Clerk read as follows:

For publication of copies of the Official Postal Guide, \$20,000; and the Postmaster-General is hereby authorized to continue the contract for the publication of the United States Official Postal Guide with Messrs. Houghton, Osgood & Co., of Boston, Massachusetts: *Provided*, That hereafter the expenditure of the contingent expenses of the Post-Office Department shall be expended as specially directed in the act, and according to the appropriations for the items specifically named, and that no moneys appropriated for the specific purposes named under the head of "For contingent expenses of the Post-Office Department" shall be diverted from one purpose to another; and that all moneys unexpended for one or more specific

purpose shall be turned into the Treasury, and not expended, by the superintendent and disbursing officer, for any object or purpose whatsoever other than the specific ones named in the appropriation for the "contingent expenses of the Post-Office Department."

Mr. ATKINS. I move, on page 74, in line 1799, to insert the following:

For the purchase of ordinary postage stamps required under article 8 of the universal postal union convention, \$1,000.

Mr. PAGE. I make the point of order against the whole paragraph.

Mr. FOSTER. I hope the gentleman will reserve his point of order until I can make my amendment.

The CHAIRMAN. There is one amendment pending already, offered by the gentleman from Tennessee.

Mr. ATKINS. Does the gentleman make the point of order on my amendment?

Mr. PAGE. No; I make the point of order on the whole paragraph, but I will reserve it for the present.

Mr. ATKINS's amendment was adopted.

Mr. FOSTER. I now move the following amendment, to come in after the word "continue" in line 1783:

For not more than one year.

The amendment was adopted.

Mr. PAGE. I have no doubt this section is subject to the point of order. I would like to offer an amendment, and if that should be accepted by the committee I do not care about making the point of order. I think my amendment will be satisfactory to the committee. It is to strike out in line 1783 the words "continue the," and in lines 1785 and 1786 the words "with Messrs. Houghton, Osgood & Co., of Boston, Massachusetts;" so that the paragraph will read with the amendment just adopted:

For publication of copies of the Official Postal Guide, \$20,000; and the Postmaster-General is hereby authorized to contract for not more than one year for the publication of the United States Postal Guide.

This will allow the Postmaster-General to advertise and contract with the lowest bidder.

Mr. ATKINS. I will state that this was put in because it was understood to be agreeable to the Postmaster-General himself. I do not care anything about the phraseology.

Mr. PAGE. It seems to me contrary to all the rules that have governed the House in legislating, and but a little while ago the gentleman from Tennessee himself offered an amendment in this direction.

Mr. ATKINS. That is true. But the Postmaster-General in a letter to the committee asked us to put the clause into the bill in this form, and we did so.

Mr. FOSTER. I desire to say one word. I know nothing about this and care nothing about it beyond the wish I have to subserve the public good. I am informed that the Department desires to continue this contract for a time because they have made arrangements for a change in the manner of publication in such a way as to include their circulars that they have now printed in the Department, and which will come out in this publication. I am told that it will result in a large saving of money to the Department. Now they ask that this may be continued for not more than one year, and then they propose to subject the matter to bids again.

Mr. PAGE. I would be willing to do almost anything to please the Postmaster-General, but I think this is rather an unreasonable request coming from the head of any Department, to ask that a contract be continued for any length of time. The law requires now that this should be advertised and the contract given to the lowest bidder.

Mr. ATKINS. As the gentleman from California has raised the point of order—

Mr. PAGE. I withdraw the point of order, so that the committee may vote on the amendment I have offered.

Mr. BURDICK. I offer as an amendment to the amendment of the gentleman from California what I send to the desk.

The Clerk read as follows:

Strike out the words commencing with the word "continue," in line 1783, and ending with "Massachusetts," in line 1786, and insert:

Contract with the lowest responsible bidder, for a period not exceeding five years, for the publication of 45,000 copies quarterly of the United States Official Postal Guide, after giving sixty days' notice in the Patent Office Gazette: *Provided, however,* That if said Postal Guide can be printed at the Government Printing Office at less cost to the Government than the same can be obtained for from private establishments, as shown by their estimates and bids, then the same may be printed by the Public Printer.

Mr. ATKINS. I see myself no objection to the amendment.

Mr. CANNON, of Illinois. I ask the gentleman from Tennessee if it is not true that upon the cover of this Postal Guide certain advertisements are printed, by an arrangement between the Department and the publisher, which enables the publisher to furnish as good a Guide with the advertisements as without them, and which reduces the cost perhaps one-half or more?

Mr. ATKINS. I believe that is true.

Mr. CANNON, of Illinois. Of course those advertisements would not be on the cover if the work was done at the Government Printing Office.

Mr. ATKINS. It might be if the work were published by another party with whom the Government might contract.

Mr. FOSTER. I think it would be wise to follow the wish of the Postmaster-General in this matter.

Mr. BURDICK. If the amendment I have offered is not accepted, I would like to be heard upon it.

I understand that for several years an annual appropriation of \$20,000 has been made for the publication of the United States Official Postal Guide. The Forty-third Congress in the appropriation bill authorized the Postmaster-General to make a contract, not to run longer than five years, for the publication of this document. At the time this contract was made prices were much higher than they are now. Labor cost more. I believe a contract now ought to be made at least 20 per cent. less than five years ago. The contract then executed is about to expire. If renewed at all, it should in justice to the Government be renewed at a less rate than originally made. The bill as reported authorizes the Postmaster-General to renew the old contract for an indefinite period of time and at the same rates as made five years ago. The bill further limits the Postmaster-General to a contract for this work with a single firm, completely shutting out all competition. In view of the fact that the Government has a printing office of its own, second to none in the world, superintended by a discreet and competent Public Printer, qualified and prepared in every way to execute this work at cost, it seems to me ill-advised and improvident to renew this contract as proposed. If the contract be only renewed for another term of five years, I believe it will cost the Government at least \$25,000 more than the work could be obtained for by open competition or at the Government Printing Office. The type for this work can be put in form promptly at the Government Office, and after this is done the Guide can be printed as cheaply at the Government Office as anywhere else in the United States. The Government will then obtain the work at actual cost. I am satisfied the cost would be 20 per cent. less than the original contract with Houghton, Osgood & Co.

If the work is to be done by contract, it should be open to competition. The old contract should not be renewed. The amendment proposed would secure to the Government the benefit of competition, if there are any benefits therein over doing the work at the Government Office.

There may be reasons why there should be no competition for this work, why the Government should not print this document when it has all the conveniences therefor.

I ask the gentleman in charge of this bill to inform the committee of his reasons for giving this work to Houghton, Osgood & Co., denying competition, forbidding the work to be done at the Government Office, and resting a contract on the prices of five years ago.

Mr. PAGE. As I understand, the amendment offered by the gentleman from Ohio [Mr. FOSTER] was adopted.

The CHAIRMAN. It was.

Mr. PAGE. I ask the Clerk to report the clause as it will read, with the amendment adopted on the motion of the gentleman from Ohio to the amendment offered by myself.

The clause was again read as proposed to be amended.

Mr. CLAFLIN. Now read the amendment of the gentleman from Iowa, [Mr. BURDICK.]

Mr. BURDICK's amendment was again read.

The CHAIRMAN. If the amendment of the gentleman from Iowa [Mr. BURDICK] be adopted it will strike out the words just inserted on the motion of the gentleman from Ohio, [Mr. FOSTER.]

Mr. PAGE. I withdraw my amendment, and, if permitted, accept the amendment offered by the gentleman from Iowa.

The question being taken on agreeing to Mr. BURDICK's amendment, there were—ayes 35; noes 48.

Mr. BURDICK. A quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Iowa, Mr. BURDICK, and the gentleman from Kentucky, Mr. DURHAM.

The committee again divided; and the tellers reported ayes 42.

Mr. BURDICK. I do not call for further count.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill and read the following paragraph:

DEPARTMENT OF AGRICULTURE.

For compensation of the Commissioner of Agriculture, \$3,000; chief clerk, \$1,900; entomologist, \$1,900; chemist, \$1,900; assistant chemist, \$1,400; two assistant chemists, at \$1,200 each; superintendent of experimental gardens and grounds, \$1,900; statistician, \$1,900; disbursing clerk, \$1,600; superintendent of seed-room, \$1,600; librarian, \$1,400; botanist, \$1,800; microscopist, \$1,800; engineer, \$1,200; three clerks of class 4; four clerks of class 3; five clerks of class 2; six clerks of class 1; five clerks, at \$1,000 each; superintendent of flower-seed room, \$900; superintendent of folding-room, \$1,200; and for copyist, laborers, watchmen, carpenters, assistant curator in museum, and other necessary force, \$10,500; in all, \$69,300; and in addition to the proper vouchers and accounts therefor to the accounting officers of the Treasury, the Commissioner of Agriculture shall present a detailed statement of the manner of the expenditure of this sum, to accompany his estimates to be presented at the next regular session of Congress: *Provided,* That no part of this sum shall be paid to any person receiving at the same time other compensation as an officer or employé of the Department.

Mr. JOYCE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 1804 and 1805 strike out "\$1,900" and insert "\$2,250;" so that it will read "chemist \$2,250."

Mr. JOYCE. Mr. Chairman, I have taken some pains—

Mr. ATKINS. I raise the point of order on that amendment.

Mr. JOYCE. I hope the gentleman will not make the point of order.

Mr. ATKINS. The law fixes the amount of the salary at the rate named in the bill.

Mr. JOYCE. I would like to inquire of the chairman of the Committee on Appropriations if he has been to the laboratory of this chemist and personally inspected the work he is now doing.

Mr. ATKINS. Oh, yes; I have been through the Agricultural Department and the chemist's room too.

Mr. JOYCE. I undertake to say that there is not an officer in this Government—

Mr. ATKINS. I call the gentleman to order as the point of order has been made.

The CHAIRMAN. The Chair hopes the gentleman from Vermont will confine himself to the point of order.

Mr. JOYCE. I do not believe that there is one employé or officer in this Government who is doing the amount of work that this man is doing for such small pay.

The CHAIRMAN. The gentleman is not speaking to the point of order.

Mr. JOYCE. I am getting to it, but it will take me some time to do it.

The CHAIRMAN. The Chair would be very glad to hear the gentleman, but he must address himself to the point of order.

Mr. JOYCE. Now, the man that occupies this position—

Mr. ATKINS. I insist upon the point of order.

The CHAIRMAN. The gentleman from Vermont is not in order. The Chair sustains the point of order raised by the gentleman from Tennessee.

Mr. JOYCE. Does the gentleman from Tennessee insist on the point of order?

Mr. ATKINS. He does.

Mr. JOYCE. Will he not allow me to make a statement to this committee in regard to the character of this officer and the amount of important work he is doing for this Government?

Mr. ATKINS. Is the gentleman from Vermont discussing the point of order?

The CHAIRMAN. The point of order has been decided.

Mr. JOYCE. I desire to know what the point of order was?

Mr. ATKINS. The law fixes the salary at the amount provided in this bill and the gentleman proposes to raise it, and there is no law authorizing such an amendment.

The CHAIRMAN. Does the gentleman from Vermont desire to appeal from the decision of the Chair?

Mr. JOYCE. I want to say a word or two only.

The CHAIRMAN. The Chair has decided the point of order. If the gentleman from Vermont desires to appeal from the decision of the Chair, it will be the duty and the pleasure of the Chair to hear him.

Mr. JOYCE. I would have been glad to have learned from the gentleman from Tennessee where the law is to which he refers.

The CHAIRMAN. Does the gentleman from Vermont appeal from the decision of the Chair?

Mr. JOYCE. I think I will if I am to be shut off in this way; although I mean no disrespect to the Chair.

The question was put, Shall the decision of the Chair stand as the judgment of the committee; and on a division there were—ayes 89, noes not counted.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. CUTLER. If the House will indulge me for one moment I desire to make a statement.

The CHAIRMAN. If the gentleman has an amendment to offer he will please send it up.

Mr. CUTLER. No, sir; I only desire to say that the Committee on Agriculture had determined to offer several amendments to this bill, but yesterday a resolution was passed by the Senate committee asking that the House committee should meet with them in order to agree upon certain amendments.

Mr. ATKINS. I hate to interrupt the gentleman, but I rise to a question of order—there is nothing pending before the committee.

Mr. CUTLER. I simply desire to state the reasons why the committee does not offer any amendments to this bill, and I ask the consent of this House to make that statement.

The CHAIRMAN. The gentleman asks unanimous consent to proceed. Is there objection?

Mr. PAGE. I object.

Mr. CUTLER. Then I move to strike out the pending clause.

The Committee on Agriculture have had this bill under consideration and had agreed to report several amendments to the House, but yesterday the Senate adopted a concurrent resolution asking that the committee on the part of the Senate and the committee on the part of the House should meet in conference and agree upon certain amendments which would be of great interest to the Agricultural Bureau, for within the last few days the action of the English government in reference to the importation of cattle into that country—a matter which affects the western country and almost every representative and the shipping interest of New England; all these questions have been before our committee.

Therefore, in order that there might be perfect unity of action between the House and the Senate, the Committee on Agriculture have instructed me to offer no amendments to this bill in its present shape,

but to allow it to go to the Senate and have the amendments agreed upon by the two committees put on in the Senate. I hope, therefore, that no amendments will be offered now. I withdraw my motion to strike out the section.

Mr. DENISON. I offer the following amendment:

In line 1820, after the word "dollars," insert the words "assistant curator in museum, \$1,000;" and in line 1821 strike out the words "assistant curator in museum."

Mr. ATKINS. I raise a point of order upon that amendment.

Mr. DENISON. Will the gentleman state his point of order?

Mr. ATKINS. It creates a new office; there is no law authorizing it.

Mr. DENISON. I used the very words in the bill, "assistant curator in museum." If my amendment creates a new office, it is because the gentleman has done the same thing in the bill.

Mr. ATKINS. What is the object of the amendment?

Mr. DENISON. I will try to explain. I propose to strike out the words "assistant curator in museum" in one line and to insert them in another line with the amount of salary, in order that he may be placed before the laborers, watchmen, &c.

Mr. ATKINS. I have no objection to that amendment.

The amendment was agreed to.

Mr. HENDERSON. I move to amend so as to make the salary of the disbursing clerk \$1,800, instead of \$1,600 as proposed by the bill.

Mr. ATKINS. That is liable to a point of order.

Mr. HENDERSON. I think not. The statute which organized the Agricultural Department expressly provided that the salary of the disbursing clerk should be \$1,800.

Mr. ATKINS. The law has been changed.

Mr. HENDERSON. When was it changed?

Mr. ATKINS. By the appropriation bill of last session.

Mr. HENDERSON. Does that change the Revised Statutes?

Mr. ATKINS. It does.

Mr. BAKER, of Indiana. The last appropriation act did not repeal the Revised Statutes; it only failed to appropriate the amount provided for by the Revised Statutes.

Mr. HENDERSON. It strikes me that the Revised Statutes will remain as they are at the expiration of the year for which the appropriations are made. It is simply a failure to appropriate the amount provided for by the statute. The statute originally provided that the salary of the disbursing clerk of the Agricultural Department should be \$1,800 a year. I do not understand that an appropriation bill which simply fails to appropriate the amount of salary which was provided for by law operates as the repeal of that law.

Mr. DURHAM. The last section of the last appropriation bill of this kind reads thus:

That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Therefore the law now fixes that salary at precisely what we have provided in the bill.

Mr. HENDERSON. That is not a repeal of the statute; it applies to the year only.

The CHAIRMAN. The Chair is disposed to hold that the point of order is well taken, and that the amendment is not in order.

Mr. CAMPBELL. I move to amend the paragraph so as to provide for four clerks of class 4, three clerks of class 3, instead of three clerks of class 4 and four clerks of class 3. I hope the chairman will allow that change to be made.

Mr. ATKINS. We have followed the law of last year.

The amendment was not agreed to.

Mr. DUNNELL. I desire to move a verbal amendment to the pending paragraph; to strike out the word "Department" and insert the word "Government" in the last line, so that it will read "no part of this sum shall be paid to any person receiving at the same time other compensation as an officer or employé of the Government." I think there can be no objection to that amendment.

The amendment was agreed to.

Mr. ATKINS. I move to amend the clause relating to copyists, laborers, watchmen, &c., by striking out "\$10,500" and inserting "\$9,500."

The motion was agreed to.

Mr. JOYCE. I move to amend the paragraph by striking out the words "two assistant chemists, at \$1,200 each" and inserting in lieu thereof "three assistant chemists, at \$1,200 each, and three chemists, at \$1,000 each."

Mr. ATKINS. That is liable to a point of order. There is no law authorizing that increase of the number of chemists.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following:

For collecting agricultural statistics and compiling and writing and publishing matter for monthly, annual, and special reports, \$10,000: *Provided*, That no part of this sum shall be paid to any person receiving at the same time other compensation as an officer or employé of the Department.

Mr. DUNNELL. After the words "agricultural statistics" I move to insert the words "and statistics relating to forestry." I think there can be no objection to that amendment.

Mr. ATKINS. I have no objection to it.

The amendment was agreed to.

The Clerk read the following:

For purchase and propagation and distribution, as required by law, of seeds,

trees, shrubs, vines, cuttings, and plants, and expense of putting up the same, \$65,000; and said seed, except flower-seed, shall be distributed to each congressional district in the several States and Territories in proportion to the agricultural population residing in the same: *Provided*, That not more than \$7,000 of this amount shall be used in the putting-up and distribution of said seeds and plants: *And provided further*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same.

Mr. CALKINS. I desire to inquire of the chairman of the Committee on Agriculture [Mr. CUTLER] if the sum of \$7,000 provided in this paragraph will meet the wants of the Agricultural Department?

Mr. CUTLER. That matter will be taken into consideration by the joint Committees of Agriculture of the Senate and the House, both as to the amount and the manner of distribution.

Mr. BRAGG. I move to amend the paragraph by inserting just before the proviso the words "and shall be furnished for distribution upon request of the members of Congress representing the same."

Mr. DURHAM. I will reserve any point of order on that as new legislation until the gentleman is heard.

Mr. BRAGG. First as to the point of order, my amendment is directly in the line of economy. If all the distribution of seeds to the people of the United States is to be made by the clerks in this Department, then we will be forcing upon them a quantity of labor which will require an increase of the clerical force; or if it does not require that increase, and they have force enough now to do the work, then by taking it away from them we will reduce the necessity for so much clerical force. So much for the point of order.

The reason for my offering the amendment is this: if this Agricultural Bureau amounts to anything, which is a question that I am not disposed to discuss—some people think it does amount to something—the object of it is to distribute information and to distribute new seeds to the agricultural people of this country. Who so well qualified to know the people of the district where seeds are to be distributed as the man who is sent here to represent that district? Is not he better qualified to make this distribution than the head of a Department who is foreign to all our constituents, who knows none of them, who has no business interests in connection with them?

If this distribution be confined simply to the Commissioner, he may be able to build up for himself a little popularity among newspaper men; but it will be utterly impossible for him to distribute the seeds in our respective districts to such persons as will apply them to the proper use. I hope the amendment will prevail.

Mr. PRIDEMORE. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Wisconsin, [Mr. BRAGG,] but in doing so do not propose to make myself the special advocate of any of the heads of Departments; but I feel it just towards the Commissioner of Agriculture to say a word in his behalf upon this point. Speaking both from observation and from some study of the theory which he proposes to introduce, I can say that I do not believe any member of this House can properly attend to the duties devolving upon him as a Representative and at the same time continue to act in the capacity of a clerk in a seed store. Under the system which the Commissioner of Agriculture has adopted, he will take every letter that a member may send to him and will send out such packages of seeds as the constituent may call for, together with a statement that the member has requested it to be done. I know from experience that the Commissioner has done this in my own district—has done it most satisfactorily, most promptly and efficiently in every particular. I believe that we can do no better than give the control of this matter to the Commissioner of Agriculture, who will be ready at all times to listen to the suggestions of members of Congress and to carry out their wishes.

The gentleman from Wisconsin seems to intimate that the Department of Agriculture, if beneficial at all, is of somewhat doubtful utility. Allow me to say that the demands of this country will cause this Department to grow in interest and usefulness from year to year. The people of the agricultural districts are determined to make that Department an important branch of this Government, and its power and benefits felt. It is now diffusing its benefits all over the country, though in a quiet, unobtrusive way, so as not, perhaps, to attract the attention of those who occupy all their time in the discussion of political questions.

Sir, the time has been in Italy and other countries when agriculture was the first and highest of occupations, and the time is coming when it will be so regarded here. In my judgment it is the noblest occupation of man.

And yet, when measures in its behalf are brought before the House, it is usually received with a sort of smile. To speak in behalf of the interests of agriculture is regarded by some with ridicule and the word used as synonymous with demagogue; but I tell you that in the future it will be synonymous with power. I shall treat the subject more at large than the amendment may strictly warrant, and in so doing urge as my excuse therefor that it is perhaps my only opportunity to lay before the House and country my thoughts thereon. Mr. Chairman, whatever may be the cause, the tendencies of the times cannot be mistaken or misunderstood. Whoever has taken the pains to carefully study our system of laws must arrive at the conclusion that many of the laws entering into that system have been drafted, passed, and enforced, either by design or accident, greatly to the prejudice of the material progress of our advancing civilization.

Many years of our past history, especially the last half century has been signalized by the accumulation of vast private fortunes and the acquisition of great wealth built up in incredibly short periods of time. These fortunes have, however, been confined to the few; while mediocrity has been the lot of the many, and poverty the fate of the great majority. Now, if we should be able to trace these rapidly acquired fortunes to the hands of men or classes of men enjoying peculiar privileges of law, and if they are almost or entirely wanting among those not privileged by law, then we must infer that the law has contributed measurably to the success or defeat of either class. There are few who will venture to deny that the laws have contributed to the material prosperity of certain classes in this country; and, if this is true, as it is, we should investigate the controlling reasons for their enactment, and, when found, justice and honesty demand their repeal and the banishment of the principle.

Such an inquiry, however, is too extensive to be here followed out in detail at this time. I must therefore confine myself to a general statement of the causes and the effects produced by them, viewed from my stand-point.

The careful student of our political history, nay, even the most casual observer of our national legislation, beholds in our midst the various forms of organized capital building up its selfish pursuits regardless of the weal or woe of our common country, its directors heeding not the consequences of a bad law provided it contributes to satisfy their own greed or carry out their selfish designs.

Organized and disciplined, they go into the political contests of the country and advocate with men and means those who are favorable to their speculations and faithful to their interests.

Notable among these bloodless but not bootless gladiators, railroads have come hither and departed flushed with victory and loaded with spoils. They are still here, hovering over and hanging around the Capitol, gathering up the spoils of their former victories, or seeking to fasten deeper in the body-politic their fatal talons. They send forward on election days their armies of officers and employés to do battle for their cause. Their capital exerted to every available extent often returns here their stockholders, agents, and attorneys to guard, protect, and forward their own financial policies and selfish ends.

They are found in Congress and out of Congress. They have mostly created that cess-pool of political corruption called the lobby, in whose slimy atmosphere they find conditions congenial to their growth and contributory to their power, a power now most fatally wielded against the defenseless shippers along their lines. Railroads are not alone, however, in this selfish, mercenary war. We find national banks knocking at the doors of Congress and receiving admittance. They are created by the law, and have flourished under its sanction until they have grown to such giant proportions that they almost defy the Government in its efforts to control them.

How, you ask, are such laws procured? The answer seems to me to be by the embarking of capital in elections to the full extent of its availability; by procuring seats in Congress for men personally interested in the results of these laws; by their co-operative system upon the floor of this Hall; by passing legislation highly beneficial to large corporations. But if they cannot thus succeed they go further, and assess each member of their sisterhood to raise the funds sufficient to procure favorable legislation, which Congress has from time to time heaped upon them with a profuse bounty that makes honesty blush. It is this power for evil, this common interest at the center of operations at the national capital, that should alarm the thinking man and elicit his aid in their destruction.

But these are not all the evils that afflict us. Manufacturers and inventors, twin sisters in high privileges and doubtful birth, have not been slow to see the benefits of invested capital on election days or in the lobby, and in many instances they have rivaled the fortunes and equaled the powers of railroads and the banks.

Even these are not all. The hard-worked miners of the great West have the benefit of laws providing for scientific surveys and reports and the aid of armies to protect their enterprises in search of the great bonanzas unheard of until modern times. Our tariff has given ample scope for our hundreds of manufacturers, speculators, and merchants to grow and flourish under the broad ægis of liberal laws; and I ask, in all candor, is it not among these law-shielded classes that the great fortunes of our times are mostly to be found?

And here, if I may be pardoned, I call attention to the general advance upon the ballot and the people of all of these combined classes under the name of capital. Starting from the great fountain of public thought, the press, it places before the public every argument, fair and unfair. It resorts to calumny and falsehood, ridicule and abuse, slander and detraction; is everywhere; it never tires or sleeps, but is found pitching its tents in the shade of State capitols and overlooking the ballots for Senators; goes upon the hustings and argues in behalf of its agents; marshals its hosts in gubernatorial and presidential contests, and fills the highest posts in the executive committees of either party, until the question who will be governor, Senator, President, and even Representative, is answered by the question who has the most money. Is this no cause of alarm, or have we arrived at that point in our advance when, if at any moment some powerful organization like the "Loyal League" or Tammany shall sally forth and offer to the highest bidder the Presidency of the nation, we shall tamely submit as did the Romans to the first sale of the consulship by the Prætorian Guard.

A poet of some thoughtfulness has so well put this thought to his thinking countrymen that I cannot forbear its repetition here, as quoted by Dean Stanley in his lecture delivered at Birmingham on the 16th of December last. He blamed—

The careless trust, that happy luck
Will save us, come what may—
The apathy with which we see
Our country's dearest interests struck,
Dreaming that things will right themselves
That bring dismay.
No! things will not right themselves,
'Tis we must put them right.

He rebuked those who—

Apart in selfish silence stand,
Hating the danger and the wrong,
And yet too busy to uplift their hand
And do the things that belong
To those who would be free.

He called on the—

Noble men and true,
High, low, young, old, whoever you may be,
Awake, arise, cast off this lethargy,
Your ancient faith renew,
And set your hands to do the task
That freeman have to do.

He bade them—

Cleanse the Augean stall of politics
Of its foul muck of crafts and tricks,
Break the base rings where commerce reeks and rots,
Purge speculation of its canker spots,
And forward go upon the path
Of its high destinies.

But to return: how have these laws thus procured bent their force against the unorganized and unsuspecting but numerous hosts of husbandmen and laborers? Do I need any facts or figures to bear me out in the assertion that in the same proportion that these classes of laws have made others rich they have made them poor? No man, I venture to say, can call to his memory a solitary producing farmer depending alone upon the proceeds of his farm who has within the last decade made any advance on the road to fortune and prosperity; but he can recall at the same time dozens of others who have gradually gone down until they have reached the point where life is a mere struggle for existence. This needs no amplification. If figures, however, are necessary they are abundant and sufficiently cogent to sustain this proposition.

What, then, is it that has allowed this important branch of our industries to constantly go down under the splendid fortunes which we everywhere else behold? It can be nothing else than that all of our other pursuits have laws to guard them while the producer has none. He is a consumer as well as a producer, and as such pays largely our import duties and the advanced price of the hundreds of manufactured articles incident to these duties. His productions pay the heavy freights of railroads on foreign and domestic articles, and had I space I could produce an almost endless list of wrongs in which he is the sufferer; the tendency of all of which brings us to the old proposition, undeniably true, that the burdens fastened upon any people by class legislation must be borne by production.

Now, another most powerful reason is, that all the agriculturists of this country—who, by the way, far exceed numerically all other classes and professions combined, whose pursuit is in fact the foundation of all callings—have blindly followed political conductors that have trampled under foot the sacred principle of the "greatest good to the greatest number" and thus, in effect, have driven producers from these halls, trampled upon them, and made their calling the corpse over which the vultures bred and nurtured by corruption have held high carnival. It will not, I presume, be denied by any that a sufficiency of wealth or capital to secure reasonable leisure from manual pursuits must precede intellectual development, and that such advancement, approximately at least, must precede political equality.

If all the time allotted to man be, therefore, spent in labor, there can be no leisure for mental pursuits; so that, whenever any class of mankind is forced by its necessities, driven by its conditions, or impelled by its desire to follow constantly the pursuits of labor, it must be deprived of educational advantages, and so of political powers.

If left to my own suggestion I would grant to the producers of our country relief by an absolute and speedy repeal of all of the laws now in force granting privileges to classes or corporations, so that their calling would be left free and open to the competition incident to the wants of society. My own judgment condemns every species of protection; but it is absurd to say some must be protected and others not. It is simple to advocate that the General Government can give land grants and subsidies to railroads and steamship lines, and that it is unconstitutional and wrong to grant either the due quota of the public lands or the proceeds arising from their sale to the several States, to be used by them for educational or other purposes. Refuse both, or, if you grant the former, by what right or justice can you deny the latter? And if these grants are continued I trust the farmers of this country will take notice what benefits the law may confer on them by directing the public money in part at least to be

expended under the control of the States in wholesome and practical agricultural, industrial, and mechanical education.

And what blessings may be added to our race and countrymen by advancing agriculture to the equality of political benefits and the dignity of a science, so that he who guides successfully the plow must first by traversing the vast fields of chemistry, natural history, and kindred sciences make himself fit for the calling; then this first and noblest of man's pursuits will mount to the grandeur and power of equal political rights.

I am not unmindful of the advances already made by many in this useful field of knowledge, nor am I despondent as to the future; but I seek here to direct attention to the legislative obstacles to their complete and perfect forward movement.

I seek to throttle, so to speak, his oppressors and drive from before him the infernal walls of protection. How can this be done? Organize. Organize the power still in their hands and make it avail at the polls. Elect no man who pledges not himself not only to avoid future legislation against them, but bound by the sacred ties of his honor to agitate and labor for the repeal of the whole system of oppressive laws. The cities from their very nature are against him, and by their combinations, co-operative capital, and the management of railroads they control his markets and wrong alike the producer and the consumer. The high interest extorted by the banks militates against them. The tariff is against them. The internal revenues come almost exclusively from them, and I say, but with no disrespect, the laws mainly enacted by the Congress of the United States are against them and ever will be until they sound the trump of defeat in the ears of every man who labors not at home and abroad for them.

This Government is theirs, by reason of their numbers, their services, their title, and their ownership, and they only are to blame should they longer environ their arms and stand coldly and idly by while their opponents, insignificant in point of numbers, but powerful in combination, continue to oppress them.

Mr. Chairman, I may have dreamed too intently upon this theme, but I trust I have kept within the limits of soberness and truth. The reasons I may have mistaken, but the facts are plain. The three-fourths of the people of the United States, more or less, in pursuit of farm life, having more power at the polls was it utilized than the others combined, are virtually excluded from Congress and are powerless in the councils of the nation. I do not underrate the vast and important interests attached to every branch of our commercial and industrial pursuits, and I envy them not their prosperity or owe them ill-will. I feel a common interest in our great national achievements and rejoice in their success; but I protest against the unfair discrimination made in their favor. I have only sought to aid, if aid I can, the downtrodden condition of that class of men whose bonds I have felt and whose prosperity I should hail with delight. Sent here by their sovereign will, I would, whatever might be my own choice, be less than a man if I spoke not for them.

Mr. DURHAM. Upon the point of order which I reserved I ask the Clerk to read section 526 of the Revised Statutes.

The Clerk read as follows:

SEC. 526. The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

Mr. DURHAM. The Commissioner of Agriculture, in declining to send out seeds through members of Congress, bases his authority upon the section just read. I would prefer to have them sent out through members, as I believe that to be the better way. But unquestionably the Commissioner of Agriculture is pursuing the law on this subject.

Now, the amendment offered by the gentleman from Wisconsin [Mr. BRAGG] does not show any economy on its face, and consequently is subject to the point of order because it is new legislation. If this were a proposition coming in the form of a separate bill from the Committee on Agriculture, I should vote for it; but when offered as an amendment to an appropriation bill I see proper to make the point of order.

Mr. BRAGG. If that be the construction of the law, then it would require the Commissioner to send all these seeds himself. *Qui facit per alium facit per se*. We merely provide the means of distribution. The Commissioner distributes the seeds through us to our constituents.

Mr. CALKINS. Mr. Chairman, I desire to say that the Commissioner of Agriculture, acting upon the section of the law which has just been read, has adopted certain regulations for the distribution of seeds; and it seems to me that his plan of distribution is evidently just. As a very humble member of the Committee on Agriculture (and I thank the Speaker of the House for selecting me as especially adapted to that committee) I wish to say this much in reference to the regulations adopted by the Commissioner. It is undeniable that members of Congress have used this Department as an instrument for increasing their political power. [Cries of "Oh, no!" and laughter.] The Commissioner of Agriculture has sought, so far as possible, to divorce this matter from any question of politics and has placed it where I believe it should be. He has adopted substantially this rule: wherever a person is sufficiently interested in agriculture to apply to the Department for seeds, and is willing to promise that

he will report to the Department the success attending the planting of those seeds, then, upon the indorsement of the member of Congress, the seeds are invariably sent.

I ask what better rule or regulation could we have adopted than that? Let me give an illustration. From the district of my friend from South Carolina who is on the Committee on Agriculture a large quantity of corn was purchased for the purpose of distribution throughout the United States. But, strange to say—

Mr. HENDERSON. My friend is not discussing the point of order. Mr. CALKINS. Yes, I am discussing the point of order precisely. [Laughter.] I am discussing what the rules of the Department are under this law—whether it is a proper construction of the law or not. If the gentleman's amendment is adopted it will change the law entirely.

Several MEMBERS. What about the corn?

Mr. CALKINS. I was about to say that nothing illustrates the position taken by my distinguished colleague on the committee better than the uneasiness and restlessness whenever we touch the subject of agriculture. [Great laughter.]

I want to say to gentleman here, in all seriousness, that there is no industry in this Republic as great as that which is represented by the Department of Agriculture.

Mr. ATKINS. Mr. Chairman, is the gentleman from Indiana discussing the point of order?

The CHAIRMAN. The Chair thinks he is now confining himself to the point of order, but his time has expired. [Great laughter.]

Mr. HANNA. I desire to address myself to the question of order.

Mr. CALKINS. I decline to yield any further. [Laughter.]

The CHAIRMAN. But the Chair has recognized the gentleman from Indiana.

Mr. CALKINS. In discussing a point of order, do I understand the Chair to hold that a member is limited to five minutes?

The CHAIRMAN. The committee is at present acting under the order of the House, which has limited debate to five minutes.

Mr. CALKINS. Does the Chair rule that in discussing points of order in the Committee of the Whole members are limited to five minutes each?

The CHAIRMAN. Certainly.

Mr. ATKINS. If there is any doubt about it I hope the rule in reference to the five-minute debate will be read.

Mr. BREWER. I ask whether that rule applies when there was no order when the gentleman was speaking. [Laughter.]

The CHAIRMAN. In the judgment of the Chair, anything which has been done or is being done in this committee is done under the five-minute rule by order of the House.

Mr. HANNA. Mr. Chairman, with reference to the question of order pending before the House, all there is of it is simply whether the amendment is in contravention of existing law or not. It is well known to members that under existing laws until within the last few months the Commissioner of Agriculture himself has given a construction to that statute in accordance with the amendment, but very recently for some reason a circular has been issued that provides he will no longer furnish to members to be sent to their constituents seeds for distribution. The amendment proposed is not antagonistic to existing statutes. It simply directs one of the modes of distribution, and I undertake to say, knowing something of the people I represent, that the idea of the Commissioner of Agriculture undertaking to make an intelligent distribution of the seeds purchased out of money appropriated by this Congress is simply preposterous. [Laughter.] The idea that he knows who are worthy agriculturists of the various counties in my district and that he knows better than I do is simply a matter outside of the range of knowledge of any one man. [Laughter.]

Mr. CALKINS. Let me ask the gentleman a question.

Mr. HANNA. Not now.

Mr. CALKINS. I should like to know if the gentleman indorses an application for seeds, whether that is not knowledge to the Commissioner whether the party is worthy or not?

Mr. HANNA. Ah, if I am to be permitted and trusted enough to indorse applications, I certainly should be permitted and trusted to the extent of knowing who are competent agriculturists in my district to receive the seeds paid for by the money I vote.

Mr. PRIDEMORE rose.

Mr. HANNA. It is simply the Commissioner arrogating to himself a power which he has not the capacity to execute. [Laughter.] That is all there is of it.

Mr. DURHAM. I withdraw the point of order. Let us have a vote on the proposition.

Mr. AIKEN. Mr. Chairman, I did not intend to say a word this evening on any portion of the bill relating to the Agricultural Department but I presume the point of order would not have been made if this amendment had not been placed before the committee. That point of order is withdrawn, however, and I take occasion now to reply in a few words to the gentleman from Indianapolis who worked himself into a *furor* on the exhibition of the little power the Commissioner of Agriculture is exercising now in that Department. Why, the gentleman knows nothing about the policy the Commissioner of Agriculture has adopted or he would not have made the remarks he has done. If the committee will allow I will explain the system which General Le Duc has adopted, and there is not a sane man here or elsewhere who will oppose it. [Laughter.] Yes, sir, I say no sane man can oppose it. [Laughter.]

Now, Mr. Chairman, the system adopted heretofore in that Department was to have one or more men selected in every county in a State, suggested probably by members of Congress, who would make monthly reports to the Department as to the condition of crops, the area cultivated, &c. General Le Duc has supplemented that system, which he has not altered, but he has supplemented it by selecting from every county in a State not less than ten, and probably fifty, select farmers who will accept from him larger proportions of seed than are sent to other individuals and plant and cultivate them and obligate themselves to make annual reports to him of the result of that cultivation.

And those men are not selected through members of Congress. If they were, in my judgment, from what I have seen while a member of Congress, they would just as soon have put upon the books of the Department the names of political wire-pullers as of agriculturists. And I would not be surprised if the gentleman from Indianapolis twelve months ago had known he was likely to be beaten he would have sought to load down those books with the names of men of his own selection from his own district; and perhaps the result might have been different. The names of these men are sent to the Commissioner of Agriculture by the officials of every county, of every State, by sheriffs, county clerks, probate judges, &c., as well as by members of Congress.

Mr. HANNA. I desire to ask the gentleman from South Carolina a question. Did not the Commissioner buy his corn in your district? [Laughter.]

Mr. AIKEN. I do not know that he did. But if he did, he bought it from an honest man, paid an honest price, and made an honest distribution of it. And if he did so, he did but his duty.

[Here the hammer fell.]

Mr. MCGOWAN. I offer the following amendment to the amendment:

Add these words:

Provided, The members of Congress will pledge themselves that each constituent to whom they send seeds will report to the Commissioner of Agriculture the result of his experiments in planting them.

The amendment to the amendment was not agreed to.

The question recurred on Mr. BRAGG's amendment; and being put, there were—ayes 67, noes 64.

Mr. BREWER. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Wisconsin, Mr. BRAGG, and the gentleman from Kentucky, Mr. DURHAM.

The committee again divided; and the tellers reported—ayes 70, noes 81.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill. When the portion or the bill was reached making appropriation for the judicial expenses of the Government,

The CHAIRMAN said: By unanimous consent it was agreed that when the judicial portion of the bill was reached it should be passed over until the committee should have gone through the remaining portion of the bill. The judicial portion of the bill having been reached, the Clerk will now read section 2.

Mr. ATKINS. I offer what I send to the desk as a substitute for sections 2, 3, 4, 5, and 6 of the bill. I will state that the substitute is precisely the same as those sections, the only difference being that it consolidates them all into one section.

Mr. PATTERSON, of Colorado. I desire to ask the gentleman from Tennessee what is the object of consolidating these sections into one?

Mr. ATKINS. Those sections all relate to one subject, and I propose therefore to make them all one section.

Mr. PAGE. After section 2 is read I desire to make the point of order on it.

The CHAIRMAN. The chairman of the Committee on Appropriations has offered a substitute for sections 2, 3, 4, 5, and 6.

Mr. PATTERSON, of Colorado. I call for the reading of the original sections for which the gentleman from Tennessee proposes a substitute.

The Clerk read as follows:

SEC. 2. For the salary of the Superintendent of the Coast and Interior Survey \$6,000: *Provided*, That the present Coast and Geodetic Survey, with supervisory and appellate powers over the same authorized by law, is hereby transferred from the Treasury Department to the Department of the Interior, and shall hereafter be known as the Coast and Interior Survey, and shall have charge of all surveys relating to questions of position and mensuration of the coast and interior, except the special survey necessary for geological purposes, the survey of the northern and northwestern lakes now under the direction of the War Department, and local surveys required for the improvement of rivers and harbors and surveys necessary for military purposes immediately connected with the operations of the Army, in accordance with the plan reported to Congress by the National Academy of Sciences, under the act of June 20 1878 entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes." *And provided further*, That the offices of surveyors-general are hereby abolished, to take effect on the 30th day of June, 1879; and the compensation of said surveyors-general, and all employees under them, shall cease on that day; and the duties pertaining to the offices of surveyors-general shall thereafter be performed by the Superintendent of the Coast and Interior Survey; and the parceling surveys of the public lands shall hereafter be made by employees of the Coast and Interior Survey: *And provided further*, That the rectangular method with township and sectional units shall be retained wherever it can be appropriately and economically applied, but all surveying by contract shall be prohibited; and the Superintendent of the Coast and Interior Survey is hereby authorized to adopt such additional surveying methods as he may deem most economic and accurate; but the surveys of mineral claims shall be made by deputy surveyors, as now provided by law. And such of the archives and records now in the offices of the surveyors-general as may not be required for the office of the Superintendent of the Coast and Interior Survey shall be turned over to the gov-

errors of the several States and Territories, upon the same terms and conditions and in the same manner that the archives have heretofore been delivered to the State authorities in States where the public surveys have been completed and the offices of the surveyors-general closed: *And provided further*, That the Secretary of the Interior shall direct the archives and records of the surveyor-general's office of any State or Territory to be kept in the place where they are now located, if thereby the interests of the people of said State or Territory will be best subserved, such archives and records to be placed under the charge of an employé of the Coast and Interior Survey: *And provided further*, That hereafter surveys of public lands shall, at the discretion of the Secretary of the Interior, be made under the deposit system, on petition of not less than five persons for the survey of a township; the sum of money to be deposited for the survey of the township shall equal the cost of the survey at the present rates allowed for the several classifications of the land to be surveyed, including such sum as shall be estimated for office-work: *Provided*, That the excess of any deposit over and above the aforesaid cost shall be returned to the depositor; and all moneys so deposited and actually required for said survey and office-work, for the amount of land for the survey of which the petition is filed, shall be applicable, either in the hands of the depositor or his assignee, to pay for lands to which the said depositor or others may be entitled under the law. It shall be the duty of the Commissioner of the Land Office to make all needful rules and regulations necessary for carrying into effect the detail of this law, so far as relates to the new conditions established by it in reference to the public lands.

Mr. PAGE. I make the point of order on that section.

The CHAIRMAN. The section which has just been read by the Clerk is not now under consideration. The gentleman from Tennessee has offered a substitute for this and the other sections which have been indicated.

Mr. CONGER. But all points of order were reserved.

The CHAIRMAN. The Chair is as conscious of that fact as is the gentleman from Michigan. The gentleman from Tennessee [Mr. ATKINS] offered a substitute for sections 2 to 6 of the bill. The gentleman from Colorado [Mr. PATTERSON] asked that the sections for which the substitute was offered be read; and they are now being read at his request for the information of the committee. The question of order is reserved.

Mr. COX, of Ohio. I desire to raise the question of order whether it is not in order, first, to perfect the language of the sections as we go along before we act upon the substitute offered by the gentleman from Tennessee?

The CHAIRMAN. The Chair has not yet put the question on the motion of the gentleman from Tennessee. The gentleman from Colorado demanded the reading of the sections for which the substitute was proposed, and the Clerk was reading those sections.

Mr. COX, of Ohio. Will the amendments to this section be in order after all the sections are gone through?

The CHAIRMAN. The Chair understands they are being read only at the request of the gentleman from Colorado for the information of the committee.

Mr. PAGE. I desire to make an inquiry of the Chair. After the reading of all the sections, will it then be in order to go back and make the point of order against the second section of this bill?

The CHAIRMAN. The Chair will so hold unless the substitute offered by the gentleman from Tennessee, in lieu of sections 2 to 6, be adopted.

Mr. CARLISLE. Of course, the amendments to that part of the bill which is proposed to be stricken out must be first considered and voted on.

The CHAIRMAN. The Chair is perfectly cognizant of that.

Mr. ATKINS. In reply to the gentleman from Ohio [Mr. COX] I desire to say that the substitute I have offered simply strikes out the sections 2, 3, 4, 5, and 6 and consolidates them all into one and is expressed in precisely the same language without the omission or addition of a single word.

Mr. PAGE. Yes, but the intention of that is clear. It is to compel the Chair to rule on the whole instead of ruling on the sections separately as they now stand in the bill. This is a trick that I think ought not to be permitted.

Mr. ATKINS. Trick! I trust the gentleman does not mean to say that I have intended any trick.

Mr. PAGE. I do not say that this is intended as a trick; but it takes away from the committee the power of dealing with the sections separately.

Mr. ATKINS. It is perfectly proper for me to offer this substitute and I trust the gentleman from California will not use the word "trick" in reference to my action in this matter.

Mr. PAGE. I did not use the word in any offensive sense.

Mr. CALKINS. I wish to ask the gentleman from Tennessee this question: whether the withdrawing of these sections does not cut off the right of amendment to each section?

The CHAIRMAN. The Chair will answer the gentleman from Indiana and will say most emphatically that no gentleman is deprived of the right of offering amendments.

Mr. CALKINS. I desire to ask the gentleman from Tennessee does not his amendment cut off the right to make points of order against each section of the bill separately? The substitute puts all these sections into one, and I ask if it was not his purpose to prevent the point of order being made upon particular sections?

Mr. ATKINS. No matter what my purpose is, so far as that is concerned; the gentleman can see that the effect of the substitute is to consolidate all the sections into one section, in order that our legislation may be compact.

Mr. CALKINS. The gentleman from Tennessee is usually so fair and so just to the House that I ask him again if his purpose in offer-

ing this amendment is not to cut off the points of order which may be made upon the sections which he moves to strike out?

Mr. ATKINS. Suppose I answered the question in the affirmative, in what manner would it affect the merits of the proposition?

Mr. PAGE. Very seriously; because one portion of the section may be very agreeable to the House, and the other may not.

Mr. ATKINS. The question before the committee is whether or not I have a right to offer a substitute—a substitute for these sections which reduces expenditures provided for in the legislation of the country as it stands upon the statute-book to-day. It proposes to reduce expenditures in that it abolishes the offices of surveyors-general, and it will reduce expenditures nearly \$100,000 by the abolition of those offices.

Mr. CALKINS. Will the gentleman from Tennessee allow me one question?

Mr. PATTERSON, of Colorado. I desire to ask the gentleman a question.

The CHAIRMAN. To whom does the gentleman from Tennessee yield?

Mr. ATKINS. I will yield to any one.

Mr. CONGER. I rise to a question of order. I make the point of order that until the point of order now pending has been decided upon this section no amendment can be in order.

The CHAIRMAN. The Chair does not recognize any point of order in that.

Mr. CONGER. Upon this bill all points of order were reserved.

The CHAIRMAN. The Chair understands that all points of order were reserved.

Mr. CONGER. Then I make the point of order upon the section which has been read.

The CHAIRMAN. The Chair understands the condition of the matter.

Mr. CONGER. Then I demand the regular order.

Mr. PATTERSON, of Colorado. I desire to submit this simple proposition to the Chair: is it in the power of any member of this House in advance of the reading of any number of sections to offer a substitute for such sections that have not been read, and is it in the power of any member of the House by offering a substitute in advance of the reading of a number of sections to cut off the right of members under the rules of the House to raise points of order or to offer amendments to such sections?

It seems to me that the Chair must see that such a pernicious ruling as that when a long bill is pending, no matter how many sections are included, would lead to this: that some gentleman would have the right to get up and offer another entire bill as a substitute for the bill under consideration. Where would be the fairness, where the justice, or where is the law or equity which will justify a proposition of that kind. If such a rule as that suggested here is applicable to five sections it is applicable to a bill of five hundred sections, and if applicable to five sections in the middle of a bill it is applicable to the entire bill.

Even before a single section has been read, if such a rule as that were established, it might succeed in absolutely defeating any bill that might be introduced before any member of the committee could have an opportunity to offer amendments or take advantage of the rights given to them by the rules of the House.

I therefore make the point of order that it is not within the province of a member of the committee to offer a substitute for any section of the bill until that section has been read.

Mr. ATKINS. Then I will offer my amendment as a substitute for the second section.

Mr. PAGE. Now I desire to make a point of order.

The CHAIRMAN. The Chair desires first to ascertain how many points of order are now pending. The Chair is trying to find out what point of order the gentleman from Colorado made.

Mr. PAGE. The gentleman from Colorado made one, and I desire to make another.

The CHAIRMAN. Will the gentleman from California allow the Chair to pass upon the point made by the gentleman from Colorado before he makes another?

Mr. CALKINS. A word before the Chair passes upon that. I understand that the gentleman from Tennessee [Mr. ATKINS] has obviated the necessity of pressing that point of order by offering his substitute for the second section of this bill only. Therefore that point of order is out of the way.

The CHAIRMAN. The Chair will inquire of the gentleman from Colorado [Mr. PATTERSON] if he has any point of order pending?

Mr. PATTERSON, of Colorado. I have. The point of order I made was that no member of this committee has a right to offer a substitute for a section before that section has been read.

The CHAIRMAN. The Chair overrules that point of order. The Chair knows of no rule which requires a section to be read and pending except as a matter of convenience.

Mr. CONGER. The point of order which I have made several times, and which I now insist upon, is that this section is new legislation and does not properly belong to the bill itself, is not germane to the bill.

The CHAIRMAN. The gentleman from Michigan [Mr. CONGER] makes a point of order upon this section. The gentleman from Tennessee [Mr. ATKINS] seeks to perfect the section by offering a substitute for it.

Mr. CONGER. Right here: the section cannot be amended either by substitute or in any other way if it is out of order. The Chair must either first decide that the section is in order, and then it can be amended, or that it is out of order, and then it is ruled out of the bill. It is to avoid amendments or argument, which would take it beyond the reach of a point of order, that I insist upon my point of order now.

Mr. ATKINS. I would like the gentleman from Michigan to point out wherein the second section of this bill is not in order.

Mr. CONGER. My point of order is that the whole of this second section is new legislation. It changes the whole order of the Coast Survey and Geodetic Survey. It takes from one department of the Government duties that by law are assigned to it and transfers them to another department. It is an entire change of all the modes of surveying now provided for by law. It is in fact new legislation. I suppose I need not point out to the Chair in what particulars it is new legislation.

The CHAIRMAN. The Chair would be obliged to the gentleman from Michigan if he would point out wherein this section is amenable to a point of order.

Mr. CONGER. Very well. First, the transfer from the Treasury Department to the Interior Department of the Coast and Geodetic Survey is new legislation, contrary to existing law. The transfer of the service now carried on by law by the War Department to the Interior Department is new legislation.

The abolition of the offices of surveyors-general is new legislation, a change of the present system of land survey which has been in existence from a period before the formation of this Government, which was adopted in 1782 as the mode of survey, which has been followed with little alteration for almost a hundred years; a system adopted before the present Constitution was formed.

It is a change of survey under the deposit system which is now provided for by law. I will not presume so much upon the ignorance of the Chair of the general laws of the land as to point out all these changes. Now, sir, upon the face of this bill, if it be said that it retrenches expenditures, it is—

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOYD. I move that the committee now rise.

The motion was not agreed to; upon a division—ayes 56, noes 78.

Mr. ATKINS. In response to the gentleman from Michigan, [Mr. CONGER,] who makes the point of order that this proposition contemplates new legislation, I have to say that I admit it does. Under Rule 120 it is in order for the reason that it retrenches expenditures. It proposes to abolish the offices of surveyors-general, which cost over \$100,000 a year. That amount is saved to the Government, and that fact appears upon the face of the proposition.

Mr. CONGER. Will the gentleman state where it retrenches expenditures?

Mr. ATKINS. It provides for abolishing the offices of surveyors-general; that is where.

Mr. CONGER. But it provides new officers to do the work.

Mr. ATKINS. Not in the second section.

Mr. CONGER. It provides very many new officers.

Mr. ATKINS. Not in the second section.

Mr. CONGER. Yes, in the second section.

Mr. PAGE. In this same section.

Mr. ATKINS. I beg the gentleman's pardon; but will he point it out?

Mr. PATTERSON, of Colorado. The gentleman from Tennessee desires to have pointed out wherein new officials are created by the proposed section. I would like to show him and show the Chair.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. ATKINS] yield for that purpose?

Mr. ATKINS. I do not.

Mr. CONGER. It is done on page 83 of the bill.

Mr. ATKINS. What line?

Mr. CONGER. In line 26 it says that "the duties pertaining to the offices of surveyors-general shall thereafter be performed by the Superintendent of the Coast and Interior Survey."

Mr. ATKINS. He is now an authorized officer of this Government provided for by law.

Mr. CONGER. I call the attention of the gentleman to the fact that in the first two lines of the section there is a new office created, that does not exist to-day, with a salary of \$6,000.

Mr. ATKINS. The Superintendent of the Coast Survey.

Mr. CONGER. The Superintendent of the Coast and Interior Survey; that is a new office.

Mr. ATKINS. Very well; he is the same officer precisely with the word "Interior" added. The salary is not increased.

Mr. CONGER. That will not do. It is a new office entirely.

Mr. ATKINS. I admit that there is new legislation in the bill; I have not denied that at all; but I assert that it proposes to reduce expenditures. Gentlemen have said that this section provides for new offices. I have asked them to point out any such provision and they have not done so.

Mr. CONGER. I have pointed out \$6,000 of increase already.

Mr. ATKINS. But the surveyors-general are abolished, amounting to over \$100,000.

Mr. CONGER. There is nothing in this bill showing that they cost one cent.

Mr. ATKINS. Does the gentleman know what the salaries of those officers amount to?

Mr. CONGER. There is nothing in this bill that shows they cost one cent.

Mr. ATKINS. I fear the gentleman is begging the question. I would not have expected my friend from Michigan to beg the question in that way by assuming that we do not know what the salaries of the surveyors-general are.

Mr. PAGE. I would like to call the attention of the Chair to several clauses of this bill which increase expenditures and change existing law. It provides for a Superintendent of the Coast and Interior Survey, with a salary of \$6,000. There is no such officer known to the law. It provides for the transfer of the present surveys under the Treasury Department to the Interior Department. That is a change of existing law without showing upon its face that it retrenches expenditures. It also provides in line 15 of the section that these surveys shall be conducted in future in accordance with a plan reported to Congress by the National Academy of Sciences. Now, can any gentleman here tell me what that plan is? Will the gentleman from Tennessee, the chairman of the Committee on Appropriations, tell me what the plan reported by the National Academy of Sciences is?

Mr. EDEN. That is in the next section.

Mr. PAGE. I am not asking the gentleman from Illinois. I want that plan to appear in the bill. It may be an extravagant plan, or it may be an economical one. The bill does not inform us what the plan is.

The bill further provides that—

The Superintendent of the Coast and Interior Survey is hereby authorized to adopt such additional surveying methods as he may deem most economical and accurate.

This provision allows him to provide for such kinds of surveys as he may deem best; and there is nothing in the bill limiting the expense that he may incur in this way.

Again it is provided—

That the Secretary of the Interior shall direct the archives and records of the surveyor-general's office of any State or Territory to be kept in the place where they are now located, if thereby the interests of the people of said State or Territory will be best subserved, such archives and records to be placed under the charge of an employé of the Coast and Interior Survey.

Here is a provision for an officer to be detailed to take charge of the archives if they are not removed from the States or Territories where they now are. No salary is provided in this bill for this officer; but of course he will be paid; and he may be paid as much as is now allowed by law to the office of surveyor-general.

Mr. Chairman, I desire to have read at the Clerk's desk a decision made at the last session of Congress by the gentleman from Illinois, [Mr. EDEN,] who then occupied the chair; and I would like to have read the proposition offered at that time, for it is similar in all respects to the second section of this bill. The gentleman from Illinois, as chairman of the committee, decided that the measure then proposed, although it did abolish the offices and salaries of surveyors-general, did not upon its face show that it retrenched expenditures.

[Here the hammer fell.]

Mr. PATTERSON, of Colorado. I desire to call the attention of the Chair specially to the large increase of expenditures which may possibly be involved in the provisions now under consideration. Everybody admits that when new legislation is submitted upon an appropriation bill, it must appear affirmatively upon the face of the proposition that it will decrease expenditures; otherwise the provision is subject to the point of order. Now, I admit that the provisions under consideration do abolish the offices of sixteen surveyors-general; but I assert that they expressly authorize new methods of survey, and affirmatively provide for an equal number of officers to take the places of those who are to be dispensed with.

Let me show to the Chair where the possibility of largely increased expenditures come in. First, the bill transfers the Coast Survey to the Interior Department, and devolves new duties upon this branch of the service. We know that its duties are at present confined almost exclusively to the sea; but observe what this bill says with reference to the new duties. It is provided that this survey "shall have charge of all surveys relating to questions of position and mensuration of the coast and interior"—how? By any method now fixed by law? Not at all; but in accordance with a plan reported to Congress by the National Academy of Sciences. Can the Chair affirm that the expense of this new method will not greatly exceed the cost under the present system? New methods are here introduced without any knowledge upon the part of the Chair or the committee as to what these methods are to cost.

What else does the bill do? It abolishes the sixteen surveyors-general; but it says that the surveys shall be made by employés of this new organization that is created; not the present employés but any employés. There is no salary fixed for the new employés. There is no limitation as to their number. For all that appears on the face of this amendment these employés may number hundreds, and their salaries may amount to thousands of dollars per annum.

That is not all, Mr. Chairman. It also provides expressly that the contract system of surveys is abolished, and that surveys shall be made by the employés of the Coast and Interior Survey. How much are the new employés to be paid? What is the method to be pursued? Is it going to be more economical or more extravagant than at present? Who can say?

Let me call your attention to another matter. It abolishes sixteen surveyors-general, and it provides that the archives now kept in the offices of the surveyors-general in the several land districts may be kept there by employees of this Department. Here are sixteen new officers created in that single proposition. What are to be their salaries? No one can tell.

[Here the hammer fell.]

Mr. RYAN. I send up to be read by the Clerk the decision which has been referred to by the gentleman from California, bearing on the pending question. In the first place I ask to have read the proposition upon which the decision was rendered and then the decision itself.

The Clerk read as follows:

Mr. WIGGINTON. I move to add to the pending paragraph the provision that I send to the Clerk.

The Clerk read as follows:

"That on and after the 1st day of July, A. D. 1879, the office of surveyor-general in the States of California, Colorado, Florida, Louisiana, Minnesota, Nebraska, Iowa, Nevada, and Oregon, and also the office of surveyor-general in the Territories of Arizona, Dakota, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming, be, and the same are hereby, abolished, and such of the archives and records then in the offices of said surveyors-general as may not be required for the office of the Commissioner of the General Land Office shall be turned over to the governors of the several States and Territories upon the same terms and conditions and in the same manner that the archives have heretofore been delivered to the State authorities in States where the public surveys have been completed and the offices of the surveyors-general closed. That in case no provision has been made by State Legislatures for accepting the surveying archives and records thereof in conformity with section 2218 of the United States Revised Statutes, the completed and unfinished surveys shall be transferred to the office of the Commissioner of the General Land Office for completion and ultimate delivery to the State authorities.

"The furniture, fixtures, and all Government property in the offices of the surveyors-general in the several States and Territories shall be sold under the direction of the Commissioner of the General Land Office, and the proceeds of the same covered into the Treasury of the United States.

"That the surveyors of public lands, private land claims, mineral claims, and boundaries between the several States and Territories, military and Indian reservations, and other surveys, when provided for by law, shall be made by competent engineers and surveyors, to be employed by the Commissioner of the General Land Office, whose compensation, as well as that of the personnel of their respective field parties, shall be as now fixed by law."

Mr. RYAN. Now let the Clerk read the decision.

The Clerk read as follows:

The CHAIRMAN. The Chair is ready to rule upon the point of order that has been raised.

In the last House a similar amendment was submitted in the Committee of the Whole, and the gentleman then in the chair ruled that the point of order was well taken. The Chair is of opinion that there may be a very good argument made in favor of the amendment being in the direction of economy; but it was held by Mr. Speaker KERR in the last House that in order to make the new legislation come within the rule it must be apparent on the face of the amendment that it is in the line of retrenchment.

This amendment abolishes certain offices and provides that the duties now performed by those officers shall be performed under a different system which is to supersede the present system. But there is nothing in the amendment from which the Chair can determine what the new arrangement would cost. Hence the Chair cannot say on the face of the amendment that it is in the line of retrenchment, and therefore he feels compelled to sustain the point of order.

[Here the hammer fell.]

Mr. CALKINS. I desire to say a word upon this subject, and in doing so I wish to quote in the CONGRESSIONAL RECORD from the debate which occurred when this amendment was adopted and became part of the rules of this House. It was in the Forty-fourth Congress. A discussion arose as to the scope of the amendment to Rule 120, in which the present Speaker of the House and Mr. Holman, then a member of the House, took a part. It was then sharply defined. I read from the CONGRESSIONAL RECORD, page 445, from the remarks of Hon. SAMUEL J. RANDALL, as to what power this amendment gave to the Committee on Appropriations in incorporating provisions in the appropriation bill:

Mr. RANDALL. I can state to the House in a very few words the object of this amendment as I understand it. We propose to modify this rule because, as the Committee on Rules believe, or at least as I think, a forced construction was put upon a portion of the rule, under which any salary was allowed to be increased, though the opportunity was never given to decrease a salary. Now the committee propose to go "right about face" and adopt a rule that will make it in order at any time to reduce salaries or to retrench the expenditures of money by Congress if the object of reduction or retrenchment is germane to the bill itself.

Then, being interrogated as to what was meant by "germane," the honorable gentleman replied:

"Germane" is a technical term which must be strictly construed.

That is my idea. He says it is a technical term. Further on in debate, Mr. HALE said:

I will be very brief. The majority of the Committee on Rules have reported this very important change of the rules, and of course the majority upon the other side can adopt it and embody it in the rules of this House. But if that is done I hope that hereafter nobody will be found finding fault with the tremendous and stupendous additional power that will thereby be poured into the already full lap of the Committee on Appropriations.

To that Mr. RANDALL replied:

It is merely giving that committee power to reduce expenditures; further than that the additional power the gentleman ascribes to it is imaginary.

Being interrogated again by the gentleman from Massachusetts, [Mr. BANKS,] the gentleman from Pennsylvania again says:

This simply gives the power to the Committee on Appropriations to reduce salaries and to propose amendments to existing laws germane to the bill itself and not otherwise.

What is this bill? It is the legislative, executive, and judicial appropriation bill, reported from the Committee on Appropriations to carry on the legislative, executive, and judicial functions of the

Government. What is germane to it? The bill is to appropriate money for those three departments, nothing more or less, and yet in this bill we find a change of the existing law, changing, I am informed, twenty-odd sections of the Statutes.

A MEMBER. One hundred and fifty.

Mr. CALKINS. I am told one hundred and fifty sections of the Statutes.

[Here the hammer fell.]

Mr. KNOTT. I move the committee rise.

The CHAIRMAN. The Chair hopes the gentleman will withdraw the motion that the committee rise, unless further discussion is desired on the point of order.

Mr. KNOTT. It may be that further discussion is desired.

The CHAIRMAN. The Chair is prepared to decide the question.

Mr. KNOTT. I withdraw the motion that the committee rise.

The CHAIRMAN. That the section under consideration does change existing law is very evident. Relying upon the statements made by the gentlemen composing the Committee on Appropriations, which are positively made, and in opposition to which nothing in the way of denial appears upon the face of the section, it is perfectly plain in the judgment of the Chair that this bill does tend to a retrenchment of expenses. And the Chair does not see the slightest conflict between the conclusion he has reached and the opinion which was given with such fullness by a former occupant of the chair. On the contrary, the Chair holds that that opinion as reported is in exact accordance with the conclusion now reached. The Chair unhesitatingly overrules the point of order.

Mr. ATKINS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no conclusion thereon.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles:

An act (S. No. 217) for the relief of John A. Shaw;

An act (S. No. 658) to authorize the restoration of Michael O'Brien to the rank of first lieutenant in the Army;

An act (S. No. 830) for the relief of Francis O. Wyse; and

An act (S. No. 1307) directing the Secretary of War to purchase a lot of ground, situated near the city of Columbus, Ohio, now used by the United States as a cemetery.

INTERNATIONAL PRISON CONGRESS.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith report from the Secretary of State and accompanying papers in relation to proceedings of the international prison congress of Stockholm, held in August last.

R. B. HAYES.

WASHINGTON, D. C., February 15, 1879.

The message was referred to the Committee on Foreign Affairs.

BOARD OF PUBLIC WORKS.

Mr. BLACKBURN. I ask unanimous consent to report back from the Committee for the District of Columbia a letter from the Secretary of the Treasury, in reply to a resolution of the House calling for information in regard to claims for work and labor under the late board of public works of the District of Columbia. This communication was by mistake referred to the Committee for the District of Columbia. I ask that the committee be discharged from its further consideration, and that it be referred to the Committee on Appropriations, to which it properly belongs.

There was no objection and it was so ordered.

DEFICIENCY APPROPRIATION BILL.

Mr. BLOUNT, from the Committee on Appropriations, reported a bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Appropriations.

Mr. CONGER. I reserve all points of order.

The SPEAKER. The bill has been reported for the purpose of being printed, and is recommitted. The Chair at the proper time will reserve points of order.

WITHDRAWAL OF PAPERS.

Mr. DIBRELL. I ask unanimous consent to withdraw from the files of the House in connection with House bill No. 3893, for the relief of Captain J. Scott Payne, the order of President Johnson revoking the order of the Secretary of War accepting that officer's resignation, an adverse report having been made on the bill.

The SPEAKER. Under rule 164 that application will have to go to the committee who had charge of the subject.

On motion of Mr. VANCE, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of O. M. Blair, administrator of the estate of Thomas P. Blair, there having been no adverse report thereon.

On motion of Mr. REA, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of N. B. Giddings; there having been no adverse report thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SMITH, of Pennsylvania, for four days from Monday next, on account of important business.

LICENSES IN THE DISTRICT.

Mr. CLAFLIN, by unanimous consent, from the Committee for the District of Columbia, reported, as a substitute for House bill No. 6258, a bill (H. R. No. 6437) imposing licenses on all trades, business, and professions practiced or carried on in the District of Columbia, and providing for the enforcement and collection of fines and penalties for carrying on business in the said District without license, and for other purposes; which was recommitted to the same committee, and ordered to be printed.

TOPOGRAPHER'S OFFICE, POST-OFFICE DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Postmaster-General, relative to the insufficiency of appropriations for carrying on the work in the office of topographer for the current fiscal year; which was referred to the Committee on Appropriations.

DEPREDACTIONS ON PUBLIC LANDS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to a deficiency in the appropriation for preventing depredations on the public lands; which was referred to the Committee on Appropriations, and ordered to be printed.

QUARTERMASTER-GENERAL'S OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the clerical force in the Quartermaster-General's Office; which was referred to the Committee on Appropriations.

WASHINGTON MONUMENT.

The SPEAKER also laid before the House a letter from the chairman of the joint commission for the completion of the Washington Monument, transmitting a copy of the resolutions adopted at a meeting held February 8, 1879; which was referred to the Committee on Appropriations, and ordered to be printed.

YELLOWSTONE NATIONAL PARK.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting estimate for the protection and improvement of the Yellowstone National Park for the fiscal year ending June 30, 1880; which was referred to the Committee on Appropriations.

POSTAGE FOR INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting estimate of an appropriation for postage for that Department; which was referred to the Committee on Appropriations.

REDUCTION OF CLERICAL FORCE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers protesting against the changes in the clerical force of his office provided by the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NEW LAND OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, requesting an appropriation for a new land office; which was referred to the Committee on Appropriations.

CLERICAL FORCE IN PENSION OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Pensions relative to the clerical force in his office; which was referred to the Committee on Appropriations.

CLERICAL FORCE IN WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the clerical force in the office of the Secretary of War; which was referred to the Committee on Appropriations.

EMOLUMENTS OF REVENUE OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the official emoluments and fees received by customs officers during the fiscal year ending June 30, 1878, prepared in the office of Commissioner of Customs in accordance with section 2639 of the Revised Statutes; which was referred to the Committee of Ways and Means, and ordered to be printed.

DRAWBACKS ON SUGAR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting additional statement relative to drawbacks on sugar; which was referred to the Committee of Ways and Means.

SAVANNAH RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report upon an examination of the Savannah River above Augusta, Georgia; which was referred to the Committee on Commerce, and ordered to be printed.

DELAWARE BREAKWATER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report upon the deterioration of the harbor at the Delaware breakwater; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF LONG ISLAND COAST.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of Lieutenant-Colonel John Newton, Corps of Engineers, of the results of surveys and examinations of the coast of Long Island, New York, between Coney Island Point and Rockaway Inlet, and of Sheephead Bay and Canarsie Bay, New York; which was referred to the Committee on Commerce, and ordered to be printed.

PROPOSED SHIP-CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report on the proposed ship-canal to connect Chesapeake and Delaware Bays; which was referred to the Committee on Commerce, and ordered to be printed.

JAMES ISLAND LIGHT-HOUSE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the chairman of the Light-House Board, asking an appropriation for rebuilding the James Island light-house, Chesapeake Bay, Maryland, destroyed by ice January 20, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

COLOR OF BUOYS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relating to the color of buoys to mark wrecks; which was referred to the Committee on Appropriations.

CHICKASAWHA AND PASCAGOULA RIVERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of Captain Damrell, Corps of Engineers, upon examinations of the Chickasawha and Pascagoula Rivers, in Mississippi, and the Flint River; which was referred to the Committee on Commerce, and ordered to be printed.

KANSAS AND ARKANSAS RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of Major C. R. Suter, Corps of Engineers, upon examinations of the Kansas and Arkansas Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

LOG SEIZURES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in reply to a resolution of the House calling for information relative to the Calcasieu log seizures; which was referred to the Committee on the Judiciary.

ANTI-POLYGAMY LAW.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting sundry petitions for the enforcement of the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

INDIAN DEPREDACTIONS IN OREGON, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Adjutant-General upon House bill No. 6211, to ascertain and report losses of citizens of the State of Oregon and the Territories of Idaho and Montana on account of destruction of property by hostile Indians in 1878; which was referred to the Committee on Military Affairs.

AMENDMENT OF REVISED STATUTES.

The SPEAKER also laid before the House a memorial of the Legislature of the Territory of Montana, praying an amendment to section 2294 of the Revised Statutes; which was referred to the Committee on Public Lands.

MAIL SERVICE.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting reports of offers received under advertisements for carrying the mail over routes therein named; which was referred to the Committee on the Post-Office and Post-Roads.

ORDER OF BUSINESS.

Mr. BRAGG. I move that the House now adjourn.

Mr. WILSON. I desire to offer a resolution for executive information.

Mr. PAGE. I call for the regular order.

The SPEAKER. The regular order is upon the motion of the gentleman from Wisconsin, [Mr. BRAGG,] that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANNING: The petition of women of Christie Methodist Episcopal church, Cincinnati, Ohio, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. BREWER: The petition of Mrs. J. T. Daniels and 85 other ladies, of Essex and Greenbush, Michigan, of similar import—to the same committee.

By Mr. BRIDGES: Resolutions of the Legislature of Pennsylvania, favoring appropriations for the erection of necessary Government buildings in the principal cities and towns of that Commonwealth—to the Committee on Appropriations.

Also, resolutions of the Legislature of Pennsylvania, favoring the passage of the bill granting a medal to each of the survivors of the first five volunteer companies from that State which arrived at the city of Washington after the issue of the President's proclamation for troops during the late rebellion—to the Committee on Military Affairs.

By Mr. BURDICK: The petition of A. E. Winrott and 40 others, citizens of Fayette County, Iowa, for the amendment of the patent laws—to the Committee on Patents.

By Mr. HENDEE: The petition of Admiral D. D. Porter, Riggs & Co., M. W. Galt, Brother & Co., J. W. Thompson, and 1,200 others, citizens of Washington and Georgetown, District of Columbia, for the location of the post-office equidistant between Seventh and Fifteenth streets west, and not east of Tenth street—to the Committee on Public Buildings and Grounds.

By Mr. HUBBELL: Memorial of D. Halsey Wood, M. D., of Hersey, Michigan, alleging that bromide of ammonium is a specific against yellow fever and asking for a commission to investigate and report on epidemics—to the committee on the origin, introduction, and prevention of epidemic diseases in the United States.

Also, the petition of James Pickaud, John Crowley, and 100 others, of Marquette, Michigan, for the prevention of the adulteration of sweets—to the Committee of Ways and Means.

Also, the petition of William Burt, H. H. Stafford, and 50 others, residents of Marquette, Michigan, for the prevention of the adulteration of food—to the same committee.

Also, the petition of Ella S. Whitman, Esther N. Crain, and 50 other women, of Grand Traverse and Wexford Counties, Michigan, for such legislation as will make effective the anti-polygamy laws—to the Committee on the Judiciary.

Also, the petition of Maria E. Steele, Sarah B. Hall, and 32 other women, of Benzonia, Michigan, of similar import—to the same committee.

By Mr. JOYCE: The petition of Mrs. W. H. Parker and 423 others, of Middlebury, Vermont, of similar import—to the same committee.

By Mr. KIDDER: A paper relating to the land claim of Isabella Faynard—to the Committee on Public Lands.

By Mr. MAJORS: The petition of O. A. Buzzell and 62 other ladies, of Adams County, Nebraska, to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. McMAHON: Memorial of the cigar manufacturers and makers of Dayton, Ohio, against the passage of House bill No. 5430 and Senate amendments to House bill No. 4414, relating to the proposed method of stamping cigars by a so-called coupon stamp—to the Committee of Ways and Means.

Also, the petition of Barbara Schmaus, for a pension—to the Committee on Invalid Pensions.

Also, the petition of William Bulwark, of similar import—to the same committee.

By Mr. MORRISON: The petition of Franklin Rives, that the question of the comparative cheapness of the cost of the publication of the debates of Congress by himself and by the Public Printer be referred to the Committee on Printing, and if it is found that he can and will do said work cheaper than it is now done at the Government Printing Office, a contract may be made with him for the same—to the Committee on Printing.

By Mr. MORSE: The petition of marine insurance and steamship companies of Boston, Massachusetts, for a signal station at Block Island—to the Committee on Appropriations.

By Mr. PRIDEMORE: The petition of members of Fulkerson Grange, 357, Scott County, Virginia, for the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers—to the Committee on Commerce.

By Mr. REA: Memorial of the Board of Trade of Saint Joseph, Missouri, for an appropriation for the improvement of the harbor at said city—to the same committee.

By Mr. REED: The petition of the Board of Trade of Portland, Maine, for the establishment of a signal station on Block Island with cable connection with the mainland—to the same committee.

By Mr. SMITH, of Pennsylvania: Resolution of the Legislature of Pennsylvania, favoring appropriations for the construction of public buildings in that State—to the Committee on Public Buildings and Grounds.

Also, resolution of the Legislature of Pennsylvania, for the passage of the bill granting a medal to each of the survivors of the five companies from that State who passed through Baltimore on the 18th of

April, 1861, to defend the national capital—to the Committee on Military Affairs.

By Mr. STARIN: The petition of Mrs. P. Stryker and 93 other ladies, of Saratoga Springs, New York, for legislation that will render effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. VANCE: Resolutions of the Legislature of North Carolina, favoring an appropriation for the improvement of Waccamaw River, North Carolina—to the Committee on Commerce.

By Mr. WILLIS, of Kentucky: Memorial of the Manufacturers and Merchants' Exchange, of Louisville, Kentucky, favoring the bill establishing a mail line between New Orleans, Louisiana, and Brazil, South America—to the Committee on the Post-Office and Post-Roads.

IN SENATE.

MONDAY, February 17, 1879.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. COCKRELL, (at eleven o'clock and five minutes a. m.) Mr. President, I do not think we ought to transact any business in the present condition of affairs here. There are not as many as ten Senators in their seats. I ask for a call of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll of the Senate.

Mr. COCKRELL. The Senator from Vermont [Mr. EDMUNDS] is not here, and I do not think we ought to transact any business with only ten Senators in their seats.

The Secretary called the roll of the Senate.

Mr. ANTHONY. I will remind the Senate of the absence of the members of the Committee on the Judiciary, as there are none of them here to speak for themselves. They have permission to sit during the sessions of the Senate.

The VICE-PRESIDENT. Twenty-one Senators are present and have answered to their names.

Mr. BURNSIDE and Mr. FERRY entered the Chamber.

The VICE-PRESIDENT. Twenty-three Senators are now present, there being no quorum.

Mr. COCKRELL. I move that the Sergeant-at-Arms, under the rules, be directed to notify absent Senators that we should be gratified to have their presence here.

The VICE-PRESIDENT. The Senator from Missouri moves that the Sergeant-at-Arms, under the rules of the Senate, be directed to request the attendance of absent Senators.

Mr. DAVIS, of West Virginia. I have no doubt that in a very few minutes a quorum will be here without sending the Sergeant-at-Arms after absentees. I hope the Senator from Missouri will withhold his motion and allow the Journal to be read.

Mr. COCKRELL. Mr. President, the motion is in accordance with the law and the rule. The absent Senators know the rules as well as the present Senators, and I insist upon the enforcement of the rules.

Mr. HEREFORD. Mr. President—

The VICE-PRESIDENT. The motion is not debatable.

Mr. McMILLAN. What is the motion?

The VICE-PRESIDENT. That the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was not agreed to.

Mr. BURNSIDE. Mr. President—

The VICE-PRESIDENT. The Senate can transact no business in the absence of a quorum. Nothing is in order except a motion to adjourn.

Mr. BURNSIDE. Can I not answer to my name?

The VICE-PRESIDENT. The Senator has answered to his name; at least the Chair directed him to be counted when he entered the Chamber. The Senator from Rhode Island and the Senator from Michigan [Mr. FERRY] came in together. What is the pleasure of the Senate?

Mr. BECK. I expect to vote against the motion which I propose to make. I move that the Senate do now adjourn; and I call for the yeas and nays on that motion in order to develop a quorum.

The VICE-PRESIDENT. The Senator from Kentucky moves that the Senate do now adjourn, on which the yeas and nays are demanded.

The yeas and nays were ordered; and being taken, resulted—yeas 1, nays 30; as follows:

YEA—1.

Cockrell.

NAYS—30.

Anthony,
Bailey,
Bayard,
Gordon,
Beck,
Burnside,
Davis of W. Va.,
Dorsey,
Eatons,

Ferry,
Garland,
Gordon,
Grover,
Harris,
Hereford,
Hoar,
Kernan,

Kirkwood,
McMillan,
Matthews,
Maxey,
Merrimon,
Morgan,
Morrill,
Paddock,

Randolph,
Rollins,
Sargent,
Spencer,
Windom,
Withers.